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A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES,

PASSED IN THE

Eighth and Ninth Year

108162

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the FIFTH SESSION of the FOURTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland.*

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xlviii. An Act for making a Railway from *Ely* to *Huntingdon*. 929

xlix. An Act to empower the *Midland* Railway Company to extend the said Railway from *Nottingham* to *Newark* and *Lincoln*. 969

l. An Act for making a Railway from a Place in the Parish of *Bole* in the County of *Nottingham*, near to the Town and Port of *Gainsborough*, to the Town and Port of *Great Grimsby* in the Parts of *Lindsey* in the County of *Lincoln*, with Branches to the District or Place called *New Holland*, and to the Town of *Market Rasen*, to be called "The *Great Grimsby and Sheffield Junction* Railway." 1001

li. An Act for making a Branch Railway from the *Hull and Selby* Railway to *Bridlington*, and for other Purposes relating to the *Hull and Selby* Railway. 1021

lii. An Act to enable the *Brighton, Lewes, and Hastings* Railway Company to make a Branch Railway from *Southover, Lewes*, to join the *London and Brighton* Railway at *Keymer*. 1049

liii. An Act for making a Railway from the *Great Western* Railway to the City of *Salisbury* and Town of *Weymouth*, with other Railways in connexion therewith, to be called "The *Wilts, Somerset, and Weymouth* Railway." 1057

liv. An Act for amending the Acts relating to the *Manchester and Leeds* Railway, and for making a Branch therefrom to *Burnley*, and for extending the *Oldham* and *Heywood* Branches. 1125

lv. An Act for making a Railway from *Lynn* to *Ely*, with Branches therefrom. 1185

lvi. An Act to empower the *Midland* Railway Company to make a Branch from the said Railway near *Syston* in the County of *Leicester* to the City of *Peterborough.* 1249

lvii. An Act for authorizing the Sale of the *Whitby and Pickering* Railway to the *York and North Midland* Railway Company, and for enabling the said Company to make certain Deviations or Alterations in the Line of the *Whitby and Pickering* Railway. 1277

lviii. An Act for enabling the *York and North Midland* Railway Company to make a Branch Railway from the Line of the *York and Scarborough* Railway, in the Township of *Seamer*, to *Bridlington.* 1297

lix. An Act for amending an Act of the Forty-first Year of the Reign of His Majesty King *George* the Third relating to the Port of *Newcastle-upon-Tyne*; and for granting further Powers and for establishing and maintaining an efficient River Police, and for regulating the said Port. 1305

lx. An Act for constructing Docks, Walls, Warehouses, and other Works in *Birkenhead.* 1329

lxi. An Act for constructing Docks at *Wexford*, to be called "The *Castle Hill* Docks," and for the Regulation and Management thereof. 1345

lxii. An Act to amend the Acts relating to the *Hungerford* and *Lambeth* Suspension Foot Bridge Company, hereafter to be called "The *Charing Cross Bridge* Company," and for granting further Powers to the said Company. 1369

lxiii. An Act for better supplying with Gas the Township of *Pudsey* and the Village of *Farsley*, and the Neighbourhood thereof, all in the Parish of *Calverley* in the West Riding of the County of *York.* 1389

lxiv. An Act for better supplying with Gas the Borough of *Devonport.* 1401

lxv. An Act for better supplying with Gas the Town and Neighbourhood of *Plymouth.* 1417

lxvi. An Act to enlarge the Powers of the *Birmingham* and *Staffordshire* Gas Light Company. 1433

lxvii. An Act for better supplying with Gas the Town and Neighbourhood of *Taunton* in the County of *Somerset.* 1481

lxviii. An Act for better supplying with Water the Towns of *Scarborough* and *Falsgrave* in the Parish of *Scarborough* in the County of *York.* 1497

lxix. An Act for uniting the *Vauxhall* and *Southwark* Water Companies into One Company, to be called The *Southwark* and *Vauxhall* Water Company, and for extending the Works of the said Company. 1529

lxx. An Act to alter, enlarge, and amend an Act for supplying with Water the Town and Neighbourhood of *Huddersfield* in the West Riding of the County of *York.* 1545

lxxi. An Act for supplying the Borough and County of *Newcastle-upon-Tyne* and the Borough of *Gateshead* in the County of *Durham*, and the Neighbourhoods thereof, with Water, from *Whittle Dean* in the Parish of *Ovingham*, and other Places in *Northumberland*. 1565

lxxii. An Act to enable the *Shaws Water* Joint Stock Company to increase the Supply of Water for driving Mills and Machinery near the Town of *Greenock*, and for the Use of the Inhabitants of the said Town and Harbours thereof. 1589

lxxiii. An Act to regulate the loading of Ships with Coals in the Port of *Newcastle-upon-Tyne*. 1617

lxxiv. An Act for better assessing and collecting the Poor Rates, Highway Rates, and Church Rates in the Parish of *Hemel Hempsted* in the County of *Hertford*. 1637

lxxv. An Act to alter and extend some of the Provisions contained in the Act of Parliament constituting "The Standard Life Assurance Company." 1645

lxxvi. An Act for conferring on the *Edinburgh* Life Assurance Company certain Privileges of a Corporate Body, and as such to sue and be sued, to hold Property, and for other Purposes relating thereto. 1657

lxxvii. An Act for amending the Act establishing "The West of *London* and *Westminster* Cemetery Company;" and for enabling the Company to raise a further Sum of Money. 1699

lxxviii. An Act to enable the Master, Wardens, and Commonalty of Watermen and Lightermen of the River *Thames* to invest their Poor's Fund and the Endowment Fund of the Free Watermen and Lightermen's Asylum in the Purchase of Land or on Mortgage, and to hold Lands for the Purposes of the said Funds. 1685

lxxix. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Crediton* in the County of *Devon*, and other Places in the same County. 1693

lxxx. An Act to authorize the *London and Greenwich* Railway Company to let on Lease the *London and Greenwich* Railway, and for amending the Acts relating to such Railway. 1721

lxxxi. An Act for making a Railway from *Belfast* to *Ballymena* in the County of *Antrim*, with Branches to *Carrickfergus* and *Randalstown*. 1733

lxxxii. An Act to empower the *North British* Railway Company to purchase the *Edinburgh and Dalkeith* Railway, and to alter Part of the Line of the said Railway and of the *North British* Railway, and to construct certain Branch Railways in connexion therewith. 1749

lxxxiii. An Act to enable the *Lancaster and Carlisle* Railway Company to alter the Line of such Railway, and to make a Branch therefrom; and for other Purposes relating thereto. 1773

lxxxiv. An Act for enabling the *York and North Midland* Railway Company to make a Railway from the Line of the *York and North Midland* Railway to *Harrogate*. 1797

lxxxv. An Act for making a Railway from the *Eastern Counties and Thames Junction* Railway, near the Mouth of the River *Lea*, to *North Woolwich.* 1809

lxxxvi. An Act for authorizing the Sale of the *Guildford Junction* Railway. 1817

lxxxvii. An Act for making a Railway from *Waterford* to *Kilkenny*, with a Branch to *Kells*, in the County of *Kilkenny.* 1821

lxxxviii. An Act for making a Railway from *Exeter* to *Crediton* in the County of *Devon.* 1837

lxxxix. An Act for improving the Navigation of the River and Bay leading to the Borough of *Bridgwater;* for maintaining the present Bridge, and extending the Quays within the Borough; and for forming a Communication by Road and by Railway between the Quays and the *Bristol and Exeter* Railway. 1861

xc. An Act for authorizing the Consolidation of the *Sheffield and Rotherham* Railway with the *Midland* Railways, and for making a Branch Railway from and other Works in connexion with the said *Sheffield and Rotherham* Railway. 1893

xci. An Act to amend the Acts relating to the *Edinburgh and Glasgow* Railway; and to authorize the Formation of additional Branches. 1909

xcii. An Act for enabling the *Newcastle and Darlington Junction* Railway Company to purchase the *Brandling Junction* Railway; and to enable the said Company to make certain Branch Railways, Stations, and Works; and for other Purposes. 1933

xciii. An Act for making a Railway from *Southampton* to *Dorchester*, with a Branch to the Town of *Poole.* 1953

xciv. An Act to amend the Act relating to the *Eastern Union* Railway Company, and to raise a further Sum of Money for the Purposes of the said Undertaking. 2001

xcv. An Act to authorize an Extension of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway to near *Cumnock;* and to amend the Acts relating to such Railway. 2009

xcvi. An Act for effecting a Railway Communication between *Dundalk* and *Enniskillen.* 2033

xcvii. An Act for making a Railway from the *Eastern Union* Railway at *Ipswich* to *Bury Saint Edmunds.* 2045

xcviii. An Act for making a Railway from *Londonderry* to *Enniskillen.* 2057

xcix. An Act to authorize the *Chester and Birkenhead* Railway Company to extend the said Railway from *Grange Lane* to *Bridge End*, all in *Birkenhead;* and to amend the Acts relating to the said Railway. 2069

c. An Act for making a Railway from *Whitehaven* in the County of *Cumberland* to a Point of Junction with the *Furness* Railway in the Parish of *Dalton* in the County Palatine of *Lancaster*, to be called "The *Whitehaven and Furness Junction* Railway." 2077

ci. An Act for amending the Act relating to the *Manchester, Bury, and Rossendale* Railway. 2089

cii. An Act to enable the *Great North of England* Railway Company to make a Branch Railway, to be called "The *Great North of England and Richmond* Railway," in the County of *York*. 2093

ciii. An Act for altering the Line of the *Blackburn and Preston* Railway; and for amending the Act relating thereto. 2105

civ. An Act for making a Railway from *Leeds* to *Thirsk*, with Branches therefrom. 2117

cv. An Act for making a Railway from the *Sheffield, Ashton-under-Lyne, and Manchester* Railway at *Stalybridge* to the *Manchester and Leeds* Railway at *Kirkheaton*, with a Branch therefrom; and for consolidating into One Undertaking the said proposed Railway and the *Huddersfield* Canal Navigation. 2149

cvi. An Act for making and maintaining a Railway from *Porth Dyllaen* in the Parish of *Edern* to *Bangor* in the County of *Carnarvon*, to be called "The *North Wales* Railway." 2225

cvii. An Act to amend the Act relating to the *Taw Vale* Railway and Dock. 2237

cviii. An Act for making a Railway to connect the *Manchester and Birmingham*, and *Sheffield, Ashton-under-Lyne, and Manchester* Railways, near *Guides Bridge*; and for other Purposes connected with the said *Manchester and Birmingham* Railway. 2245

cix. An Act for amending the Act relating to the *Ashton, Stalybridge, and Liverpool Junction* Railway, and for making a Branch therefrom to *Ardwick*. 2269

cx. An Act to enable the *Eastern Counties* Railway Company to make a Deviation from the Line of their authorized Railway between *Ely* and *Peterborough*. 2293

cxi. An Act for making a Railway to connect the *Manchester and Birmingham* and *Liverpool and Manchester* Railways in the Parish of *Manchester*, and also to *Altrincham* in the County of *Chester*, to be called "The *Manchester South Junction and Altrincham* Railway." 2313

cxii. An Act for making a Railway from *Stafford* to *Rugby*. 2349

cxiii. An Act for making a Branch Railway from the *London and Brighton* Railway to or near to the Town of *Horsham* in the County of *Sussex*. 2441

cxiv. An Act to amend the Act relating to the *Ulster* Railway Company; and to enable the said Company to make a Railway from *Portadown* to *Armagh*. 2449

cxv. An Act to authorize the *North Wales* Mineral Railway Company to extend their Line to *Ruabon*, and to make a Branch Railway from *Rhos Robin* to *Minera*, and to raise additional Capital for those Purposes. 2469

cxvi. An Act for enabling the *North Union* Railway Company and the *Ribble* Navigation Company to make a Branch or Connexion Railway from the *North Union* Railway to the *Victoria* Quay in *Preston*; and for amending and enlarging the Powers and Provisions of the several Acts relating to such Railway and Navigation respectively. 2481

cxvii. An Act for uniting the *Sankey Brook* Navigation with the *Saint Helens and Runcorn Gap* Railway; and for other Purposes. 2505

cxviii. An Act for enabling the *Great North of England, Clarence, and Hartlepool Junction* Railway Company to make a Branch Railway; and for amending the Acts relating to the said Railway. 2525

cxix. An Act for making a Railway from *Dublin* to *Mullingar* and *Longford*, to be called "The *Midland Great Western* Railway of *Ireland*." 2533

cxx. An Act for making a Railway from the Market Town of *Cockermouth* to the Port and Harbour of *Workington* in the County of *Cumberland*. 2549

cxxi. An Act for making a Railway from *Richmond* in the County of *Surrey* to the *South-western* Railway at *Battersea* in the same County, to be called "The *Richmond* Railway." 2561

cxxii. An Act for making a Railway from *Cork* to *Bandon*. 2577

cxxiii. An Act for enabling the *Liverpool and Manchester* Railway Company to extend and enlarge the said Railway, and to make certain Branch Railways, and for amending and enlarging the Powers of the several Acts relating to the said Railway. 2589

cxxiv. An Act to authorize the Extension of the *Great Southern and Western* Railway to the City of *Cork*, with a Branch Railway to the City of *Limerick*. 2617

cxxv. An Act to amend the several Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company; and to enable the said Company to make Three several Branch Railways. 2685

cxxvi. An Act for making a Railway from *Lynn* to *East Dereham*. 2705

cxxvii. An Act for making a Railway from *Middlesbro'* to or near the Town of *Redcar* in the North Riding of the County of *York*, to be called "The *Middlesbro' and Redcar* Railway." 2725

cxxviii. An Act to enable the *Dublin and Drogheda* Railway Company to make a Branch Railway to *Howth*; and to amend the Acts relating to such Company. 2737

cxxix. An Act for making a Railway from the Town of *Newry* to the Town of *Enniskillen*. 2749

cxxx. An Act for making a Railway from *Drogheda* to *Portadown*, with a Branch to *Navan*. 2765

cxxxi. An Act for making and maintaining a Railway from the City of *Waterford* to the City of *Limerick*, with Branches. 2777

cxxxii. An Act for lighting with Gas the Town and Township of *Glossop* in the County of *Derby*. 2793

cxxxiii. An Act for consolidating the Management of the Bridges over the *Clyde* at *Glasgow*; for rebuilding the Bridge over the said River opposite *Stockwell Street* in the City of *Glasgow*; for erecting a temporary Bridge for the Use of the Public; for erecting across the said River an Iron Bridge for Foot Passengers, on the existing Bridge opposite to *Portland Street* of *Laurieston* being taken down; and other Purposes. 2805

cxxxiv. An Act for improving the Markets in the Borough and Town of *Totnes* in the County of *Devon*, and for better supplying the Borough with Water. 2833

cxxxv. An Act for better supplying with Water the Town of *Wolverhampton* in the County of *Stafford*. 2897

cxxxvi. An Act for making Two new Streets, with Improvements and Waterworks, within the Town of *Lyme Regis* in the County of *Dorset*, and for watching and lighting the said Town. 2921

cxxxvii. An Act for supplying with Water the Royal Burgh of *Dundee* and Suburbs thereof. 3005

cxxxviii. An Act for better supplying with Water the Town and Township of *Blackburn* in the County Palatine of *Lancaster*. 3041

cxxxix. An Act for amending the Acts relative to the improving of the Pier and Port of *Hartlepool* in the County of *Durham*. 3077

cxl. An Act for making and maintaining Reservoirs in the Parish of *Kendal* in the County of *Westmorland*. 3085

cxli. An Act to effect Improvements in the Borough of *Manchester* for the Purpose of promoting the Health of the Inhabitants thereof. 3125

cxlii. An Act for the Improvement of the Borough of *Belfast*. 3185

cxliii. An Act for better paving, lighting, cleansing, regulating, and improving the Parish of *Saint Luke Chelsea* (exclusive of the District of *Hans Town*) in the County of *Middlesex*. 3357

cxliv. An Act to make Provision for the Payment of the Debts of the Mayor, Jurats, Bailiffs, and Burgesses of the Borough of *Quinborowe* in the County of *Kent*; and for other Purposes. 3429

cxlv. An Act for more effectually constituting and regulating the Court of Record within the Borough of *Manchester*, and for extending the Jurisdiction of the said Court. 3441

cxlvi. An Act for regulating legal Proceeding by and against "The Reversionary Interest Society," and for granting certain Powers to the said Society. 3457

cxlvii. An Act to facilitate the winding up of the Affairs of the Agricultural and Commercial Bank of *Ireland*. 3477

cxlviii. An Act for altering and amending certain Acts relating to the *Forth* and *Clyde* Navigation and the *Edinburgh* and *Glasgow* Union Canal, and for forming a Junction between the said Navigation and Canal. 3493

cxlix. An Act to amend an Act for draining the Low Grounds and Cars in the Parish of *Keyingham* and other Places in the East Riding of the County of *York*. 3513

cl. An Act for making and maintaining in repair a complete Line of Turnpike Road from *Shepley Lane Head* to the *Barnesley* and *Grange Moor* Turnpike Road at or near *Redbrooke* Plantation in the Parish of *Darton*, all in the West Riding of the County of *York*. 3541

cli. An Act for repairing and maintaining the Road from *Harwell* to *Streatley* in the County of *Berks*. 3557

clii. An Act for making a Railway, to be called "The *Wear Valley* Railway," from and out of the *Bishop Auckland and Weardale* Railway to *Frosterley*, with a Branch terminating at or near *Bishopley Crag* in *Stanhope in Weardale*, all in the County of *Durham*. 3565

cliii. An Act for making a Railway from *Aberdeen* to *Friockheim* and *Guthrie*, with Branch Lines to *Montrose* and *Brechin*, to be called "The *Aberdeen* Railway." 3577

cliv. An Act for altering the Line of the *Norwich and Brandon* Railway, and for making a Branch therefrom to *East Dereham* in the County of *Norfolk*. 3589

clv. An Act to amend the Acts relating to the *Bristol and Exeter* Railway, and to authorize the Formation of a Junction Railway and several Branch Railways connected with the same. 3605

clvi. An Act for enabling the *London and Birmingham* Railway Company to take a Lease of the *West London* Railway. 3641

clvii. An Act for making a Railway from the Royal Burgh of *Dundee* in the County of *Forfar* to the Royal Burgh or City of *Perth* in the County of *Perth*, to be called "The *Dundee and Perth* Railway." 3649

clviii. An Act for making a Railway from *Burntisland* in the County of *Fife* to the City of *Perth*, with certain Branches therefrom, to be called "The *Edinburgh and Northern* Railway." 3665

clix. An Act for making a Railway from the *Taff Vale* Railway near *Ynys Meyrick* to *Aberdare*, with a Branch therefrom, to be called "The *Aberdare* Railway." 3681

clx. An Act for making a Railway from the Termination of the *Polloc and Govan* Railway at *Rutherglen* to *Hamilton*, and to the *Wishaw and Coltness* Railway at *Motherwell*, to be called "The *Clydesdale Junction* Railway." 3693

clxi. An Act for making a Railway from the City of *Perth*, by *Stirling*, to the *Edinburgh and Glasgow* Railway, to be called The *Scottish Central* Railway. 3705

clxii. An Act for making a Railway from *Carlisle* to *Edinburgh* and *Glasgow* and the North of *Scotland*, to be called "The *Caledonian* Railway." 3725

clxiii. An Act for making a Railway from *Newcastle-upon-Tyne* to *Berwick-upon-Tweed*, with Branches therefrom, to be called "The *Newcastle and Berwick* Railway." 3745

clxiv. An

clxiv. An Act for making a Railway from the *Edinburgh and Hawick* Railway to the Town of *Hawick* in the County of *Roxburgh*. 3777

clxv. An Act to amend the Acts relating to the *London and South-western* Railway, and to authorize Extensions thereof from the *Nine Elms* Terminus to a Point near to *Waterloo* and *Hungerford* Bridges in the Parish of *Saint Mary Lambeth*, and to the *Thames* at *Nine Elms* in the Parish of *Battersea*, all in the County of *Surrey*. 3789

clxvi. An Act for making a Railway from *Liverpool* to *Wigan*, *Bolton*, and *Bury*, with several Branches therefrom. 3869

clxvii. An Act to enable the *South-eastern* Railway Company to make or complete a Branch Railway from the *South-eastern* Railway at *Tunbridge* to *Tunbridge Wells*. 3909

clxviii. An Act to enable the Company of Proprietors of the *Thames* and *Medway* Canal to raise a further Sum of Money; and to amend the Acts relating to the said Company; and to enable the said Company to widen, extend, and maintain a Railway from *Gravesend* to *Rochester*. 3929

clxix. An Act to authorize the Company of Proprietors of the *Monmouthshire* Canal Navigation to make a Railway from *Newport* to *Ponty Pool;* and to enlarge the Powers of the several Acts relating to the said Company. 3941

clxx. An Act for making a Railway from the City or Royal Burgh of *Perth* to or near to the Town or Royal Burgh of *Forfar*. 3981

clxxi. An Act to enable the *Manchester and Leeds* Railway Company to raise an additional Sum of Money; and to amend the several Acts relating to the said Company. 4001

clxxii. An Act for making a Railway from the *Manchester and Leeds* Railway at *Wakefield* to the Towns of *Pontefract* and *Goole*, with certain Branches therefrom. 4009

clxxiii. An Act for deepening, regulating, and otherwise improving *Falmouth* Harbour in the County of *Cornwall*, and for forming Basins, Docks, and other Works in *Penryn Creek* in the aforesaid Harbour; and for other Purposes. 4045

clxxiv. An Act to alter and amend some of the Provisions of the Acts relating to the *Cromford* Canal. 4121

clxxv. An Act for better supplying with Water the Town and Parish of *Sheffield* in the County of *York;* and for amending the Act relating thereto. 4129

clxxvi. An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town of *Saint Helens* in the County Palatine of *Lancaster*, and for establishing and regulating a Market therein. 4165

clxxvii. An Act for more effectually paving, cleansing, lighting, and otherwise improving the Parish of *Saint Mary Magdalen Bermondsey* in the County of *Surrey*. 4249

clxxviii. An Act for improving Parts of the City of *Westminster*. 4313

clxxix. An Act for embanking and reclaiming from the Sea certain Lands now under Water or subject to be overflowed by the Tide in the Lake, Lough, or Estuary called *Tacumshin* otherwise *Tacumshin Lake*, in the County of *Wexford*. 4373

clxxx. An Act for extinguishing Garden Pennies, Small Tithes, and *Easter* Offerings within the Parish of *Saint Matthew Bethnal Green* in the County of *Middlesex*, and for providing a Fund for the Payment of the Stipend of the Rector of the said Parish. 4389

clxxxi. An Act to rectify a Mistake in an Act of the present Session relating to the *Leeds and Bradford* Railway. 4401

clxxxii. An Act for making a Railway to be called "The *Glasgow Junction* Railway," with Branches. 4405

clxxxiii. An Act to enable the *Birmingham and Gloucester* Railway Company to make Extension Lines at *Gloucester*, a Branch at *Stoke Prior*, and a Junction with the *Midland* Railway at *Aston juxta Birmingham*. 4437

clxxxiv. An Act for making a Railway from *Oxford* to *Worcester* and *Wolverhampton*. 4449

clxxxv. An Act to amend the Acts relating to the *London and South-western* Railway; and to authorize the *London and South-western* Railway Company to buy, and the *Guildford Junction* Railway Company to sell, the *Guildford Junction* Railway. 4505

clxxxvi. An Act to enable the *South-eastern* Railway Company to widen certain Parts of the *London and Greenwich* Railway. 4517

clxxxvii. An Act for making a Railway from *Londonderry* to *Coleraine*, with a Branch to *Newtown Limavady*. 4533

clxxxviii. An Act for making a Railway from the City of *Oxford* to the Town of *Rugby*. 4549

clxxxix. An Act for making a Railway from the *Midland* Railway in the Parish of *Sawley* in the County of *Derby* to the Parish of *Alfreton* in the same County, together with several Branch Railways communicating therewith, to be called "The *Erewash Valley* Railway." 4573

cxc. An Act for making a Railway to be called "The *South Wales* Railway." 4589

cxci. An Act for making a Railway from *Monmouth* to *Hereford*, with Branches therefrom to *Westbury*, and to join the *Forest of Dean* Railway. 4613

cxcii. An Act for making a Railway from *Glasgow* to *Crofthead* near the Town or Village of *Neilston*, to be called "The *Glasgow, Barrhead, and Neilston Direct* Railway." 4629

cxciii. An Act to amend the Acts for regulating the Pipe Water of the City of *Dublin*, and to enable the Lord Mayor, Aldermen, and Burgesses of the Borough of the City of *Dublin* to extend the Supply of Pipe Water to the several Parishes or Portion of Parishes situate in the City and County of *Dublin*, and adjoining to the Borough of the said City of *Dublin*, but outside the Boundary thereof. 4645

cxciv. An

cxciv. An Act for lighting, draining, cleansing, and improving the Hamlets or Liberties of *Duddeston* and *Nechells* in the Parish of *Aston* near *Birmingham* in the County of *Warwick*. 4669

cxcv. An Act for more effectually maintaining, improving, and repairing the Road leading from the City of *Glasgow* to *Yoker Bridge*, and certain Roads communicating therewith. 4729

cxcvi. An Act to enable the *London and Croydon* Railway Company to widen and improve the *London and Croydon* Railway, and also a Portion of the *London and Greenwich* Railway. 4741

cxcvii. An Act to enable the *South-eastern* Railway Company to alter and extend the *Canterbury*, *Ramsgate*, and *Margate* Branch of the said *South-eastern* Railway, and to make a Branch therefrom to *Deal*, and to purchase the *Canterbury and Whitstable* Railway; and for other Purposes connected with the said Railway. 4753

cxcviii. An Act for consolidating the *Bolton and Leigh*, the *Kenyon and Leigh Junction*, the *Liverpool and Manchester*, and the *Grand Junction* Railway Companies. 4773

cxcix. An Act for making a Railway from the *Brighton and Chichester* Railway to *Portsmouth*, with a Branch to *Fareham*. 4801

cc. An Act to enable the *Brighton, Lewes, and Hastings* Railway Company to make a Railway from *Bulverhithe* in the County of *Sussex* to *Ashford* in the County of *Kent*. 4817

cci. An Act for enabling the *Eastern Counties* Railway Company to make a Railway from *Cambridge* to *Huntingdon*. 4833

ccii. An Act for making additional Docks and other Works at the Haven of the Town and Port of *Great Grimsby*; and for amending the Acts relating to the said Haven. 4845

cciii. An Act for making a Railway from the *London and Blackwall* Railway at *Stepney* to the *Eastern Counties* Railway. 4983

cciv. An Act for removing Doubts relating to the Collection of certain Portions of the Borough Rates of the City and County of *Bristol*. 4913

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for the disposing of Part of the Estates of the late *Charles Calvert* Esquire, in pursuance of the Directions of a certain Decree of the High Court of Chancery, and for confirming the Sale of such Parts thereof as have been sold. 3

2. An Act for inclosing Lands in the Parish of *Foulmire* in the County of *Cambridge*. 29

3. An Act to empower *John Douglas Edward Henry* Duke of *Argyll* to charge the Dukedom and Estate of *Argyll* with certain Provisions to the Marchioness of *Lorne*, and to the younger Children of the Marriage between her and the Marquis of *Lorne*. 69

4. An Act for amending an Act of Parliament passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for confirming and carrying into effect a Partition and Division of the Real and Personal Estate of* William Molyneux *Esquire, deceased, and for other Purposes therein mentioned.* 81

5. An Act for enabling the Honourable *Percy Barrington*, Second Son of the Right Honourable *William Keppel* Viscount *Barrington*, a Minor, and *Louisa Higgins*, Spinster, also a Minor, to execute Settlements of the Fortune of the said *Louisa Higgins*, prior to and in contemplation of the Marriage between the said *Percy Barrington* and the said *Louisa Higgins*. 93

6. An Act to repeal so much of an Act for inclosing Lands in the Parish of *Saint Mary* in or near the Borough of *Leicester* as relates to the Regulation and Management of the Freemen's Allotments; and to make other Provisions in lieu thereof. 153

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PUBLIC GENERAL ACTS,

8° & 9° VICTORIÆ.

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ANNO REGNI

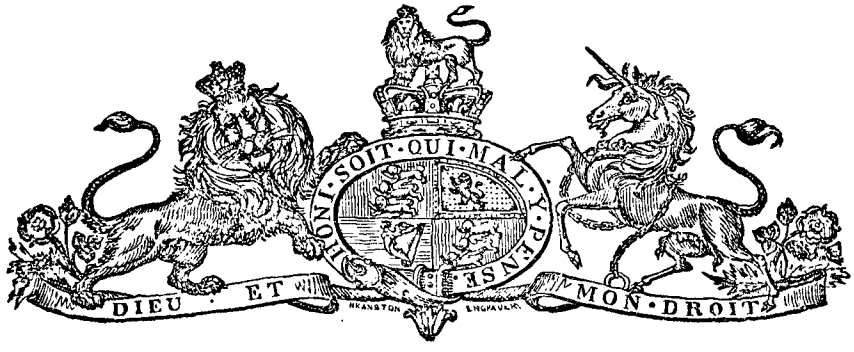
VICTORIÆ,

Britanniarum Reginæ,

OCTAVO.

At the Parliament begun and holden at *Westminster*, the Nineteenth Day of *August*, *Anno Domini* 1841, in the Fifth Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God, Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith:

And from thence continued, by several Prorogations, to the Fourth Day of *February* 1845; being the FIFTH SESSION of the FOURTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.



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1845.

ANNO OCTAVO

VICTORIÆ REGINÆ.

***

out of the Consolidated Fund.

jesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 8,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1. 4 & 5 W. 4. c. 15. and 5 & 6 Vict. c. 66.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

The Clauses, &c. in recited Acts extended to this Act.

III. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem*, upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 8,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and

Ireland,

Ireland, any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Monies raised by Bills to be applied to the Services voted by the Commons.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such

Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. II.

An Act to continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same, until the Tenth Day of *October* One thousand eight hundred and forty-five.

[18th *March* 1845.]

Most Gracious Sovereign,

WHEREAS by an Act passed in the Fifth and Sixth Years of Your Majesty's Reign, intituled *An Act to assimilate the Stamp Duties in* Great Britain *and* Ireland, *and to make Regulations for collecting and managing the same, until the Tenth Day of* October *One thousand eight hundred and forty-five*, certain Rates and Duties denominated Stamp Duties were granted to Your Majesty for a Term therein limited, which will expire on the Tenth Day of *October* One thousand eight hundred and forty-five: We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expences, have freely and voluntarily resolved to continue the said Rates and Duties, and to grant the same to Your

5 & 6 Vict. c. 82.

Majesty for the Period herein-after mentioned; and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Duties continued for Three Years.

That all the several Sums of Money, and Duties, and Composition for Duties, granted by the said recited Act, and not repealed by any subsequent Act, and also all Duties now payable in lieu or instead of any of the said Duties which may have been so repealed, shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, for the Term of Three Years, to commence on and to be computed from the Tenth Day of *October* One thousand eight hundred and forty-five.

Acts continued in force.

II. And be it enacted, That the said recited Act, and all and every other Act and Acts now in force in relation to the Duties granted by the said recited Act, shall severally be continued and remain in full force, and be of the like Effect in all respects, in relation to the Duties hereby continued and granted, as if the said Duties had been originally granted by the said recited Act for a Period which did not expire before the End of the Term for which the same are continued and granted by this Act; and all and every the Powers and Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, contained in the said Acts or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof, for the charging, raising, levying, paying, accounting for, and securing of the said Duties, and all Arrears thereof, and for the preventing, detecting, and punishing of all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby granted.

Act may be amended this Session.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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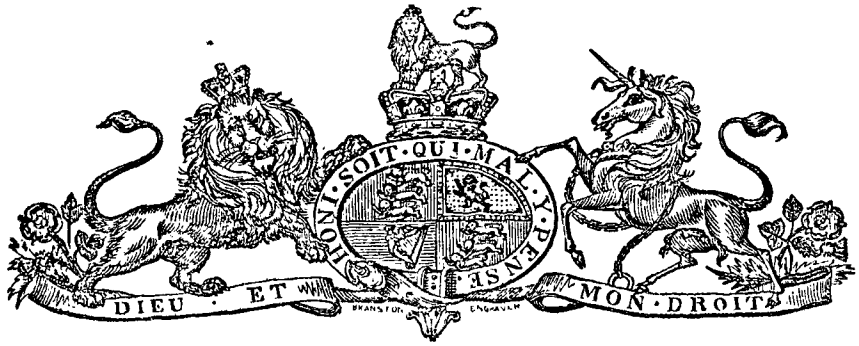

ANNO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. III.

An Act for the Appointment of Constables or other Officers for keeping the Peace near public Works in *Scotland*. [18th *March* 1845.]

WHEREAS great Mischiefs have arisen by the violent and unlawful Behaviour of Labourers and others employed in the Construction of Railways and other public Works in *Scotland*, by reason whereof the Appointment of additional Constables or Officers for keeping the Peace, and for the Protection of the Inhabitants, and Security of the Property, in the Neighbourhood of such public Works, is often necessary; and it is expedient that Provision should be made for the Appointment and Payment of such additional Constables or Officers: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Sheriff of any County in which the Works of any Railway, Canal, or other public Work of a similar Nature shall be in progress of Construction, upon the Application of the Company or other Parties carrying on any such public Work, or of any Two Justices of the Peace of the County, and usually acting in the District in or through which any such public Work may be in the course of Construction, to appoint from Time to Time such fit and proper Persons as he may

Additional Constables or Officers may be appointed by the Sheriff.

may think fit to nominate for that Purpose to be Constables or Peace Officers in and for such County within the Limits of such public Works, and within a Mile therefrom, during the Construction of such public Works; and every Person so appointed shall make Oath or solemn Declaration, to be administered by such Sheriff, duly to execute the Office of Constable or Peace Officer as hereinafter mentioned; and every Person so appointed, and having made such Oath or Declaration, shall have full Power to act as a Constable or Peace Officer for the Preservation of the Peace, and for the Security of Persons and Property against Crimes and unlawful Acts, within the Limits of that Part of the public Works for which he shall be so appointed, and within a Mile therefrom, and shall have, use, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges in the Execution of his Office as belong by Law to the Office of Constable or Peace Officer within the Limits or District for which he is appointed to act, and shall, when required so to do, obey all Orders and put in execution all Warrants issued by the Sheriff, and to be executed within such Limits or District, or within any other Part of the County; and it shall be lawful for the Sheriff, when he shall think fit, to dismiss or remove any such Constable or Peace Officer who may have been so appointed, and to appoint another fit and proper Person in his Stead; and upon every such Dismissal or Removal all the Powers, Authorities, Protections, and Privileges vested by virtue of such Appointment in any Person so dismissed or removed shall wholly cease and determine.

Expence thereof to be paid by the Companies or Parties carrying on such Works.

II. And be it enacted, That every Person so appointed by any Sheriff to act as Constable or Peace Officer as aforesaid shall, during such Time as he shall so act as Constable or Peace Officer, receive from the Company or other Parties carrying on such public Works a reasonable Remuneration, not exceeding what is in use to be given to Constables on Duty within the same County; and the Amount and the Time and Manner of Payment of such Remuneration shall be fixed and directed by the Sheriff.

Remuneration may be recovered by Distress.

III. And be it enacted, That in all Cases where the Company or other Parties carrying on any such public Work shall refuse or neglect, during Fourteen Days next after Demand thereof, to pay any such Remuneration, or any Part thereof, as shall by any Sheriff as aforesaid have been directed to be paid, it shall be lawful for such Sheriff forthwith to cause the same to be levied, together with the Expences of levying the same, by Poinding and Sale of the Goods and Effects of the Company or other Parties liable to pay such Remuneration.

Act may be amended, &c. this Session.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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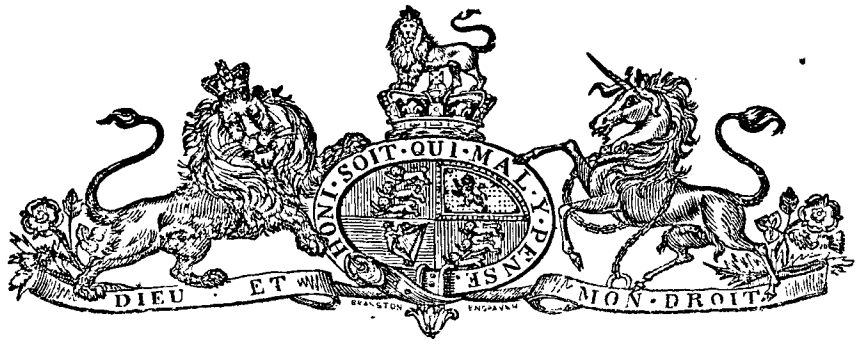

ANNO OCTAVO

VICTORIÆ REGINÆ.

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CAP. IV.

An Act to continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices. [5th *April* 1845.]

Most Gracious Sovereign,

WHEREAS by an Act passed in the Fifth and Sixth Years of Your Majesty's Reign, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of* April *One thousand eight hundred and forty-five*, certain Rates and Duties arising from Property, Professions, Trades, and Offices were granted to Your Majesty for a Term therein limited, which will expire after the Fifth Day of *April* One thousand eight hundred and forty-five: We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expences, have freely and voluntarily resolved to continue the said Rates and Duties, and to grant the same to Your Majesty for the Period herein-after mentioned; and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

5 & 6 Vict. c. 35.

The Rates and Duties granted by the recited Act continued for Three Years.

That the several Rates and Duties by the said recited Act granted shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, for the Term of Three Years, to be computed from the Fifth Day of *April* One thousand eight hundred and forty-five, and until the Assessments made or which ought to be made for the last Year of the said Term, or for any preceding Year, shall be completed, collected, levied, and paid.

The several Acts continued in force.

II. And be it enacted, That the said recited Act, and all and every other Act and Acts now in force in relation to the Duties granted by the said recited Act, shall severally be continued and remain in full Force, and be of the like Effect in all respects, in relation to the Duties hereby continued and granted, as if the said Duties had been originally granted by the said recited Act for a Period which did not expire before the End of the Term for which the same are continued and granted by this Act; and all and every the Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said Acts, or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof, for assessing, levying, recovering, paying, deducting, and accounting for the said Duties, and all Arrears thereof, and for re-assessing the same in default of Payment, and for the suing for, adjudging, and recovering any Penalty which shall have been or may be incurred in relation to the said Duties, as fully and effectually, to all Intents and Purposes, as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby granted.

Assessments under Schedules (A.) & (B.) for the Year 1845 to be in force for Three Years.

III. And whereas by the said recited Act it was enacted, that the first Assessment of the Duties chargeable under either of the Schedules (A.) or (B.) of the same Act should be and remain in force for the Space of Three Years, which will expire after the Fifth Day of *April* One thousand eight hundred and forty-five; be it enacted, That the Assessments of the same Duties to be made for the Year commencing from and after the said last-mentioned Day shall in like Manner be and remain in force for the Space of Three Years, under and subject to the same Rules, Regulations, and Conditions as are specified in the said recited Act with reference to the Assessments made under the same Schedules for the Period of Three Years in the said Act mentioned.

Power to compound for Duties under Schedule (D.) continued.

IV. And whereas the Contracts entered into for Compositions for the Duties chargeable under Schedule (D.) of the said recited Act for the Term thereby limited will expire after the Fifth Day of *April* One thousand eight hundred and forty-five, and it is expedient to renew and continue the Powers of the Commissioners to enter into new Contracts for such Compositions for the Term limited by this Act; be it enacted, That it shall be lawful for the Commissioners for special

Purposes, in the said Act mentioned, to contract and agree for a Composition for the said last-mentioned Duties, with any Person who may be desirous of compounding for the same, for the Period of Three Years, to commence from the Fifth Day of *April* One thousand eight hundred and forty-five, under and subject to the Conditions, Rules, and Regulations specified in the said Act with reference to the Compositions thereby authorized to be made for the same Duties for the Term of Three Years in the said Act mentioned.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended this Session.

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Duties imposed in lieu thereof.

Year One thousand eight hundred and forty-four, shall cease and be no longer payable; and that from and after the said Fourteenth Day of *March* until the Fifth Day of *July* One thousand eight hundred and forty-six, in lieu thereof, there shall be charged the Duties of Customs following; (that is to say,)

	£	s.	d.
On Sugar and Molasses the Growth and Produce of any *British* Possession in *America*, or of any *British* Possession within the Limits of the *East India* Company's Charter into which the Importation of Foreign Sugar is prohibited, and imported from thence, the Duties following; (that is to say,)			
Double Refined Sugar, or Sugar equal in Quality to Double Refined, for every Hundred Weight -	1	1	0
Other Refined Sugar - - - - -	0	18	8
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being refined, for every Hundred Weight -	0	16	4
Brown Sugar, being Muscovado or Clayed, or any other Sugar, not being equal in Quality to White Clayed, for every Hundred Weight -	0	14	0
Candy, Brown, for every Hundred Weight -	1	6	0
——— White, for every Hundred Weight -	1	15	0
Molasses, for every Hundred Weight - -	0	5	3
On Sugar the Growth and Produce of any other *British* Possession within the Limits of the *East India* Company's Charter, the Duties following; (that is to say,)			
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being refined, for every Hundred Weight -	1	1	9
Brown Sugar, being Muscovado or Clayed, or any other Sugar not being equal in Quality to White Clayed, for every Hundred Weight - -	0	18	8
On Sugar the Growth and Produce of *China*, *Java*, or *Manilla*, or of any Foreign Country the Sugars of which Her Majesty in Council shall have declared, or may hereafter declare, to be admissible as not being the Produce of Slave Labour, and which shall be imported into the United Kingdom either from the Country of its Growth or from some *British* Possession, having first been imported into such *British* Possession from the Country of its Growth, the Duties following; (that is to say,)			
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being refined, for every Hundred Weight -	1	8	0
Brown Sugar, being Muscovado or Clayed, or any other Sugar not being equal in Quality to White Clayed, for every Hundred Weight - -	1	3	4
Molasses, for every Hundred Weight - -	0	8	9
On all other Sugars and Molasses, not otherwise charged with Duty, the Duties following; (that is to say,)			
Refined Sugar, for every Hundred Weight -	8	8	0

	£	s.	d.
Brown, or Muscovado, or Clayed Sugar, not being refined, for every Hundred Weight - -	3	3	0
Molasses, for every Hundred Weight - -	1	3	9
Candy, Brown, for every Hundred Weight -	5	12	0
Candy, White, for every Hundred Weight -	8	8	0

And so in proportion for any greater or less Quantity than a Hundred Weight.

Power to Her Majesty, by Order in Council, to declare the Sugars of other Countries to be admissible as not being the Produce of Slave Labour.

II. And be it enacted, That it shall and may be lawful for Her Majesty, and She is hereby empowered, from Time to Time, by any Order or Orders in Council, to declare, with respect to any Foreign Country or Countries, that it having appeared to Her Majesty, upon sufficient Evidence, that the Sugars of such Country or Countries are not the Produce of Slave Labour, such Sugars shall (from and after a Day to be named in such Order) be deemed and taken not to be the Produce of Slave Labour; and from and after the Day so to be named in such Order the Brown, Muscovado, or Clayed Sugar (not being refined) of the Country or Countries mentioned in such Order shall be admissible to Entry for Home Consumption at the said respective Duties of One Pound Eight Shillings or of One Pound Three Shillings and Four-pence *per* Hundred Weight respectively, in like Manner as Sugars the Growth and Produce of *China*, *Java*, or *Manilla*.

Certificates and Declarations required.

III. And be it enacted, That no Sugar shall be admissible to Entry for Home Consumption at the said Duties of One Pound Eight Shillings or One Pound Three Shillings and Four-pence *per* Hundred Weight respectively unless the Master of the Ship importing the same shall have delivered to the Collector or Comptroller at the Port of Importation such Certificate or Certificates as herein-after are mentioned, nor unless such Master shall also make and subscribe a Declaration before such Collector or Comptroller that such Certificate or Certificates was or were received by him at the Place where such Sugar was taken on board, and that the Sugar so imported is the same as is mentioned therein.

Certificate required in respect of Sugar from China, &c.

IV. And be it enacted, That in case such Sugar shall be imported from *China*, *Java*, or *Manilla*, or from any other of the Countries named in such Order in Council as herein-before is mentioned, the Certificate so to be given to the Collector or Comptroller at the Port of Importation shall be under the Hand and Seal of the *British* Consul, Vice Consul, Consular Agent, or other Officer appointed in that Behalf by Her Majesty, at the Place where such Sugar was taken on board, and shall certify that a Declaration in Writing had been made and signed before such Consul, Vice Consul, Consular Agent, or other Officer, by the Shipper of such Sugar, that the same was really and *bonâ fide* the Growth of the Country in which the same was so taken on board, and shall also certify that such Consul, Vice Consul, Consular Agent, or other Officer had examined the Contents of such Declaration, and believed the same to be true.

Certificate required in respect of such Sugar

V. And be it enacted, That in case such Sugar shall be imported from any *British* Possession abroad the Master of the Vessel importing the same shall deliver to the Collector or Comptroller at the Port

if imported from British Possessions abroad.

Port of Importation, firstly, a Certificate under the Hand and Seal of the principal Officer of Customs at the Place where the same was taken on board, certifying that a Declaration in Writing had been made and signed before such principal Officer by the Shipper of such Sugar, that the same was really and *bonâ fide* the Growth of *China*, *Java*, or *Manilla*, or of some other of the Countries named in such Order in Council as herein-before is mentioned, and had been imported thence into such *British* Possession abroad as aforesaid, and also certifying that such principal Officer of Customs had examined the Contents of such Declaration, and believed the same to be true; secondly, a Certificate under the Hand and Seal of the *British* Consul, Vice Consul, Consular Agent, or other Officer appointed in that Behalf by Her Majesty, (if any such there be,) at the Place whence such Sugar shall have been imported into such *British* Possession abroad, certifying that a Declaration in Writing had been made and signed before such Consul, Vice Consul, Consular Agent, or other Officer, by the Shipper of such Sugar from such Place, that the same was really and *bonâ fide* the Produce of the Country from whence the same shall have been so imported into such *British* Possession abroad, and also certifying that such Consul, Vice Consul, Consular Agent, or other Officer had examined the Contents of such Declaration, and believed the same to be true: Provided always, that in case such Sugar shall be imported into the United Kingdom from any *British* Possession abroad, being Part of the Territories of the *East India* Company, the Certificate and Declaration hereby required to be given and received by the principal Officer of Customs may be respectively given and received by any Officer appointed for that Purpose by the respective Governments of such Territories.

Her Majesty, by Order in Council, may declare the Sugars of Countries with which Her Majesty has Treaties of Reciprocity as to Duties to be admissible at 28*s.* and 23*s.* 4*d.* per Cwt. respectively.

VI. And be it enacted, That with regard to Sugar the Growth of any Foreign Country between which Country and Her Majesty there is now subsisting any Treaty or Convention binding Her Majesty to grant to such Country, either conditionally or unconditionally, the Privileges of the most favoured Nation, or to permit, either conditionally or unconditionally, the Produce of such Country to be imported into the United Kingdom at the same Duties as are imposed upon the like Produce of any other Country, it shall be lawful for Her Majesty, and She is hereby empowered, from Time to Time, by any Order or Orders in Council, to declare that from and after a Day to be named in such Order, Brown, Muscovado, or Clayed Sugars (not being refined) the Growth of such Country, in case such Treaty shall continue to subsist, shall, if imported from such Country, or from any *British* Possession abroad, having been imported into such *British* Possession from such Country, be admitted to Entry for Consumption in the United Kingdom at the aforesaid respective Rates of Duty of One Pound Eight Shillings and One Pound Three Shillings and Four-pence per Hundred Weight respectively, in like Manner as Sugars the Growth and Produce of *China*, *Java*, or *Manilla*; and from and after the Day so to be named in such Order the Sugars therein mentioned shall, if so imported as aforesaid, be so admitted accordingly, subject, nevertheless, to the Production of the like Certificates and the making of the like Declaration

as are herein-before required with respect to Sugars the Growth of *China*, *Java*, or *Manilla*.

If such Treaty be conditional, Order in Council to state Fulfilment of Condition.

VII. And be it enacted, That in case the Privileges granted by any Treaty to any Foreign Country, in respect of which any Order in Council shall be issued under the Enactment lastly herein-before contained, shall have been granted conditionally, such Order shall expressly declare that such Foreign Country hath duly fulfilled the said Conditions, and is entitled to the said Privilege.

Her Majesty may allow Importation of Sugar and Molasses, from British Possessions within the East India Company's Charter in which the Importation of Foreign Sugar is prohibited at the lower Rates of Duty.

VIII. Provided always, and be it enacted, That if at any Time satisfactory Proof shall have been laid before Her Majesty in Council that as respects any *British* Possession within the Limits of the *East India* Company's Charter the Importation of Foreign Sugar has been prohibited, it shall and may be lawful for Her Majesty, and She is hereby empowered, from Time to Time, by any Order or Orders in Council, to declare that Sugar and Molasses the Growth or Produce of any such *British* Possession may be imported from thence into the United Kingdom, and entered at the lower Rates of Duty herein-before imposed on Sugar and Molasses the Growth or Produce of *British* Possessions within the Limits of the *East India* Company's Charter in which the Importation of Foreign Sugar is prohibited; and from and after the Publication of such Order, whilst the same shall continue in force, the Sugars and Molasses therein mentioned may be so imported and entered accordingly.

Such Sugar and Molasses to be entered at the lower Rates of Duty, upon the Conditions on which Bengal Sugar was admissible under 6 & 7 W. 4. c. 26.

IX. Provided always, and be it enacted, That any Sugars or Molasses the Produce of any *British* Possession within the Limits of the *East India* Company's Charter in which the Importation of Foreign Sugar is or shall be prohibited, which shall be entered for Home Use at the lower Rates of Duty herein-before imposed on Sugar and Molasses the Produce of such Possessions, shall be entered in the same and the like Manner and under the same or the like Conditions in and under which Sugar the Growth of the Presidency of *Bengal* might be entered for Home Use under the Provisions of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting to His Majesty, until the Fifth Day of* July *One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six*, at the lower Rate of Duty therein mentioned.

Bounties on certain Descriptions of Refined Sugar. 3 & 4 W. 4 c. 58. 1 & 2 Vict. c. 33.

X. And be it enacted, That the respective Bounties now payable on the Exportation of certain Descriptions of Refined Sugar from the United Kingdom, by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to grant certain Bounties and Allowances of Customs*, and also by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty, until the Fifth Day of* July *One thousand eight hundred and thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the*

Service of the Year One thousand eight hundred and thirty-eight, and by the said Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, shall, from and after the Fourteenth Day of *March* One thousand eight hundred and forty-five, cease and determine; and that in lieu thereof there shall be paid and allowed the following Bounties; (that is to say,)

7 & 8 Vict. c. 28.

	£	s.	d.
Upon Double Refined Sugar, or Sugar equal in Quality to Double Refined, for every Hundred Weight -	1	0	0
Upon other Refined Sugar, in Loaf, complete and whole, or Lumps duly refined, having been perfectly clarified, and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or such Sugar pounded, crashed, or broken, for every Hundred Weight - - - - - -	0	17	0
Upon Bastard or Refined Sugar, broken in Pieces, or being ground or powdered Sugar, pounded or crashed or broken, for every Hundred Weight -	0	14	0

Collection of Duties.

XI. And be it enacted, That the several Duties, Bounties, and Allowances by this Act imposed and allowed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied, or appropriated under the Provisions of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting Duties of Customs*, and of another Act passed in the same Year, intituled *An Act to grant certain Bounties and Allowances of Customs*, and of any other Act or Acts in force relating to the Customs.

3 & 4 W. 4. c. 56.

3 & 4 W. 4. c. 58.

Commissioners of Customs to provide standard Samples of White Clayed, &c. Sugar.

XII. And be it enacted, That the Commissioners of Customs shall forthwith provide Samples of White Clayed Sugar, and of Sugar rendered by any Process equal in Quality to White Clayed Sugar, with reference to Colour, Grain, and saccharine Matter, which Samples shall be deemed to be standard Samples, for the Purpose of comparing therewith such White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed Sugar, as from and after the Fourteenth Day of *March* One thousand eight hundred and forty-five may be entered for Home Consumption; and such standard Samples shall from Time to Time be renewed whenever the said Commissioners may deem it expedient; and no Sugar shall, as regards the Payment of Duty, be deemed or taken to be White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, unless it shall, with reference to Colour, Grain, and saccharine Matter, equal the standard Samples so respectively provided by the said Commissioners.

Orders in Council may be revoked.

XIII. And be it enacted, That it shall be lawful for Her Majesty, by an Order in Council, from Time to Time to revoke or alter any Order in Council previously made under the Authority of this Act.

Orders in Council to be published.

XIV. And be it enacted, That every Order in Council to be made under the Authority of this Act shall, as soon as may be after the

making

making thereof by Her Majesty in Council, be published in the *London Gazette.*

XV. And be it enacted, That a Copy of every Order of Her Majesty in Council made under the Authority of this Act shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not then within Six Weeks after the Commencement of the then next Session of Parliament. Copies of Order in Council to be laid before Parliament.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended this Session.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

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CAP. VI.

An Act to repeal the Duties and Laws of Excise on Glass. [24th *April* 1845.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof; and to amend the Laws for granting Excise Licences*, a certain Duty of Excise is imposed for and upon every Excise Licence to be taken out by every Glass Maker for each and every Glass-house: And whereas by another Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws for collecting and securing the Duties of Excise on Glass*, it is provided that upon all Glass made in the United Kingdom there shall be charged and paid the several Duties, and there shall be allowed and paid the several Drawbacks, specified in the Schedule to the last-mentioned Act annexed, and made Part thereof: And whereas by another Act passed in the Third and Fourth Years of the Reign of Her said Majesty, intituled *An Act to impose upon Broad or Spread Glass the same Duties of Excise that are payable upon German Sheet Glass*, it is provided that upon all Broad or Spread Glass there shall be charged and paid the same Amount of Duty, and there shall be allowed and paid the same Drawbacks, as on German Sheet Glass, under the Provisions of the said recited Act of the First

6 G. 4. c. 81.

1 & 2 Vict. c. 44.

3 & 4 Vict. c. 22.

and Second Years of Her said Majesty: And whereas by another Act passed in the Seventh and Eighth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Duty of Excise on Vinegar, and to make the Duties and Drawbacks now payable on Flint Glass the same as on Bottle Glass*, the Duties and Drawbacks granted and allowed by the said recited Act of the First and Second Years of Her said Majesty upon Flint Glass are repealed, and other Duties and Drawbacks granted and allowed in lieu thereof: And whereas it is expedient that the said several Duties and Drawbacks should cease: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *April* One thousand eight hundred and forty-five all Duties of Excise now payable upon or for or in respect of any Glass Maker or Glass-house, or any Glass made in the United Kingdom, and all Drawbacks on the Exportation of such Glass from the United Kingdom, shall cease, and be no longer charged, raised, levied, collected, allowed, or paid, and that the several Acts, Clauses, Provisions, and Regulations for charging, raising, levying, collecting, allowing, and paying the said several Duties and Drawbacks shall not from and after the said Fifth Day of *April* be enforced or executed; save and except for the Purpose of recovering any Duties incurred or charged on or before the said Fifth Day of *April*, or any Arrears thereof, the same not being Duties charged on Glass which has been warehoused on the Manufacture thereof free of Duty on or after the Fifteenth Day of *February* One thousand eight hundred and forty-five; and save and except for or in respect of any Drawback payable under the said recited Acts or any of them for Glass exported at any Time previous to the Fifteenth Day of *June* One thousand eight hundred and forty-five, which Glass has been packed for Exportation under the usual Regulations on or before the said Fifth Day of *April*; and save and except for the Purpose of recovering any Fine, Penalty, or Forfeiture for the Breach of any of the said Acts, Clauses, Provisions, or Regulations committed previous to the said Fifth Day of *April*; but that all such Duties and Arrears (not being as aforesaid), and all such Fines, Penalties, and Forfeitures, may be recovered, levied, enforced, and applied, and all such Drawbacks allowed and paid, in the same Manner, and by the same Powers and Authorities, as if this Act had not been passed.

7 & 8 Vict. c. 25.

After 5th April 1845, the Duties and Drawbacks on Glass to cease, save as herein excepted, and as to Arrears and Penalties,

II. And whereas for the Purpose of making certain Allowances to Manufacturers of and Dealers in Plate Glass, Crown or German Sheet Glass, and to Manufacturers of Bottle Glass, made and manufactured in the United Kingdom, for and in respect of their Stock in hand of such Glass respectively, on which the respective Duties thereon have been paid or secured to be paid, such Glass has been permitted to be packed as the like Goods when intended for Exportation to Foreign Parts, and warehoused under the Charge of the Officers of Excise, or otherwise deposited with and taken account of by the Officers of Excise; be it enacted, That upon all Crown and German Sheet Glass, and upon all common Bottles, Vessels, and Utensils of common Bottle Metal, which have been so warehoused, deposited, or taken account of as aforesaid, and which on or before the

The Treasury may grant an Allowance in respect of the Duties on the Stock in hand of Manufacturers of and Dealers in Crown or Plate Glass or Manufacturers of Bottle Glass, of which an

the Twelfth Day of *April* One thousand eight hundred and forty-five are, on Re-examination, found conformable to such previous Account thereof as aforesaid, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* may, for and in respect of the Duties thereon respectively paid, allow to the Manufacturers or Dealers to whom such Glass respectively belongs a Sum of Money equivalent to the Drawback to which such Glass respectively would have been entitled if the same respectively had been exported to Foreign Parts previous to the Sixth Day of *April* One thousand eight hundred and forty-five, deducting therefrom Twenty-five *per Centum;* and that upon all Plate Glass which has been so warehoused or taken account of as aforesaid, and which on or before the said Twelfth Day of *April* is, on Re-examination, found conformable to such previous Account thereof as aforesaid, the said Commissioners of Her Majesty's Treasury may, for and in respect of the Duties thereon paid, allow to the Manufacturers or Dealers to whom such last-mentioned Glass belongs the Sum of One Shilling and Ten-pence Half-penny for every Square Foot of all rectangular Pieces of such Plate Glass of Six Inches by Four at the least, and not less than One Eighth of an Inch in Thickness, and the Sum of Four Pounds Four Shillings for every Hundred Weight of such Plate Glass if polished, and not One Eighth of an Inch in Thickness, deducting Twenty-five *per Centum* from the Sum to be allowed as last mentioned.

Account has been taken by the Officers of Excis

III. And be it enacted, That no Glass or Glass Wares for or in respect whereof any Drawback of Excise has been received or claimed on Exportation from the United Kingdom shall be imported into the United Kingdom, unless by the special Permission of the Commissioners of Her Majesty's Customs, and on Repayment of such Drawback; which Drawback the said Commissioners of Customs shall collect, recover, and account for as Her Majesty's Duties of Customs, and under the Laws and Regulations in force relating to such Duties at the Time of such Importation, and notwithstanding that such Drawback on the Exportation of the like Goods from the United Kingdom is at that Time repealed.

Glass exported on Excise Drawback not to be imported without Repayment of such Drawback.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be altered this Session.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

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VICTORIÆ REGINÆ.

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mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non-commissioned Officer or Soldier, shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence, or Licence of the General or Chief Commander; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert Her Majesty's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

Crimes punishable by Death.

II. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects which is punishable by the known Laws of the Land, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United

The ordinary Course of Law not to be interfered with.

United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London;* provided that no Person, being acquitted or convicted of any Capital Crime, Violence, or Offence by the Civil Magistrate or by the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering; and whenever any Officer or Soldier shall have been tried before a Court of ordinary criminal Jurisdiction the Clerk of the Court, or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier belongs, transmit to him a Certificate, containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, or Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings; and every such Certificate, containing the Substance and Effect of an Indictment and Conviction, and purporting to be signed as aforesaid, shall be sufficient Evidence before a Court-martial of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed the Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender.

Soldiers not to be taken away from the Service for Debts under 30*l.*

III. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice or other Process, for not supporting, or for leaving chargeable on any Parish Township, or Union, any Wife or any Child or Children, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the disembodied Militia shall be liable to be taken out of Her Majesty's Service by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing

Writing to any Soldier, or left at his last Quarters or Place of Residence before such Listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

The Queen may make Articles of War in conformity with this Act.

IV. And be it enacted, That it shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War, signed with his own Hand and Name, to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British* Isles, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Constitution of Courts-martial.

V. And be it enacted, That Her Majesty may from Time to Time grant a Commission under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and that for bringing Offenders against the Articles of War to Justice it shall be lawful for Her Majesty to erect and constitute Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, as well as to grant Her Royal Commissions or Warrants to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British* Isles as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond the Seas, for convening, as well as for authorizing any Officer under their respective Command not below the Degree of a Field Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*,

St. Helena, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, and the Settlements on the Coast of *China* excepted,) or in the Settlements of the *East India* Company, *Prince of Wales's Island*, *Singapore*, and *Malacca* excepted, shall consist of not less than Thirteen Commissioned Officers; if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or out of the Queen's Dominions, excepting *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China*, shall consist of not less than Seven, and in *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China*, and *Prince of Wales's Island*, *Singapore*, and *Malacca*, of not less than Five Commissioned Officers; and the President shall in no Case be the Officer commanding in chief, or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Powers of General Courts-martial.

VII. And be it enacted, That no Judgment of Death by a General Court-martial shall pass unless Two Thirds at the least of the Officers present shall concur therein, and a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Twenty-eight Days at a Time, nor Eighty-four Days in any One Year with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment such Court-martial may, instead of awarding a corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

VIII. And

Trial by General Court-martial for Embezzlement.

VIII. And be it enacted, That every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage, of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where a Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Powers of District or Garrison Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, the Windward and Leeward Islands, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Twenty-eight Days at a Time nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes:

In

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure:

In purloining or selling Government Stores:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

In embezzling or fraudulently misapplying Public Money entrusted to him:

Or in committing any petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind:

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and every such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to pass any Sentence of Death or Transportation; and the President of every Court-martial other than a General Court-martial shall be appointed by the Officer convening such Court-martial, and shall not be under the Rank of a Captain, save in the Case of a Detachment Court-martial holden out of Her Majesty's Dominions, or holden on board a Transport Ship, Troop Ship, Convict Ship, or Merchant Vessel.

Regimental Courts-martial.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, the Offence may be tried by a Regimental or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental or Detachment Court-martial may try any Soldier for habitual Drunkenness, and may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, or to solitary Confinement for any Period not exceeding Twenty Days,

Days, or may sentence a Soldier to Imprisonment, Part thereof to be with or without hard Labour, and Part thereof in solitary Confinement: Provided always, that when such Court shall direct the Imprisonment to be part in solitary Confinement and part otherwise, the whole Period of such Imprisonment shall not exceed Twenty Days, and the Part thereof in solitary Confinement shall not exceed Ten Days; and a Regimental or Detachment Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days in addition to any other Punishment which such Court may award; and every such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay for such Period, not exceeding Six Months, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct.

Forfeiture of Pay and Pension by Desertion or Felony; and marking a Deserter.

XI. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General, or District, or Garrison Court-martial, where such Findings shall be duly approved, or of Felony, in any Court of Civil Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award; and in addition to any other Punishment it shall be lawful for a District or Garrison Court-martial to sentence a Soldier convicted of Desertion to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might accrue from future Service; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, on the first and on every subsequent Conviction of Desertion, to direct, if it shall think fit, that, in addition to any other Punishment, the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Powers of a Detachment Court-martial out of HerMajesty's Dominions.

XII. And be it enacted, That it shall be lawful for any Officer commanding any District, Detachment, or Portion of Her Majesty's Troops which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident of any such Countries, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to summon and cause to assemble a Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every

such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same.

Mixture of Officers upon Courts-martial.

XIII. And be it enacted, That in certain Cases, where it may be necessary or expedient, Officers of Her Majesty's Marine Forces may sit upon Courts-martial in conjunction with Officers of Her Majesty's Land Forces, and such Courts-martial shall be regulated, to all Intents and Purposes, in like Manner as if they were composed of Officers of the Land Forces only, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and Officers of Her Majesty's Land Forces and Officers in the Service of the *East India* Company, when serving together, may be associated in Courts-martial, which shall, to all Intents and Purposes, be regulated in like Manner as if consisting wholly of Officers of Her Majesty's Land Forces, or wholly of Officers in the Service of the *East India* Company; save and except that on the Trial of any Person in Her Majesty's Land Forces the Provisions of this Act, and the Oaths thereby prescribed, shall be applicable; and that on the Trial of any Person belonging to Her Majesty's Marine Forces the Provisions of an Act passed in the present Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths thereby prescribed, shall be applicable; and on the Trial of any Officer or Soldier in the Service of the *East India* Company the Provisions of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

Punishment of Offenders to commence at Expiration of Sentence for previous Offences.

XIV. And be it enacted, That whenever Sentence shall be passed by a Court-martial for any Offence on a Person already imprisoned under Sentence of a Court-martial for another Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced, and where such Person shall be already under Sentence, either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate Term of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Proceedings of Courts-martial.

XV. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act the President and every

Member assisting at such Trial, before any Proceeding be had thereon, shall take the Oaths in the Schedule to this Act annexed, before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member shall administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon; and all General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, or by the President of a District or Garrison Court-martial, shall during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Court of Queen's Bench in *London* or in *Dublin*, or the Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness had neglected to attend in a Trial in any Proceeding in that Court.

Appeal.

XVI. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, except in the Cases in which an Appeal from a Regimental to a General Court-martial is expressly given by any of Her Majesty's Articles of War; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

XVII. And

Report of Proceedings of General, District, or Garrison Courts-martial.

XVII. And be it enacted, That every Judge Advocate, or Person officiating as such at a General Court-martial, or the President of any District or Garrison Court-martial, is required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Transportation from the United Kingdom.

XVIII. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter passed by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation any Sentence of Death passed by any such Court, the same, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary at War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon the same as such Judge is authorized to do by any Act in force touching the Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of the same, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation; and from the Time when such Order of Transportation shall be made every Act in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape or the returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the

the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Transportation from the Colonies.

XIX. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station, or in his Absence by the Adjutant General for the Time being, to some Judge of one of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender, in like Manner as for the Transportation or intermediate Custody of any other Convict; and the necessary Proceedings shall be taken, according to such Order, for the Transportation or intermediate Custody of such Offender; and all Acts in force in such Place touching other Offenders to be transported shall in all respects apply as well to the Offender himself so to be transported as to all other Persons whatsoever therein concerned.

Offences against former Mutiny Acts may be tried under this Act.

XX. And be it enacted, That all Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same; provided that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried

tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Subsequent Enlistment no Protection from Punishment for Desertion.

XXI. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence against him; and in like Manner in the Case of any Soldier tried for any Offence whatever, any previous Convictions may be given in Evidence against him; and every Certificate which shall purport to contain a Copy of the Charges, Finding and Sentence of a Court-martial, and of the Minute of Confirmation of such Finding and Sentence, made from the Entries thereof in the original Minutes of such Court-martial or in the Court-martial Book, and which shall further purport to be signed by the Judge Advocate General or by his Deputy, or by the Officer confirming the Proceedings, or by his Adjutant General, Brigade Major, or other like Officer in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book in case such Copy be taken from the said Book, shall be sufficient Evidence before a Court-martial of a Conviction by a Court-martial, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed the Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; provided that no such Evidence shall in any Case be received until after the Prisoner shall have been found guilty of such Offence, and then only for the Purpose of affixing Punishment; and provided also, that after he shall so have been found guilty, and before such Evidence shall be received, it shall be proved to the Satisfaction of the Court that he had previously to his Trial received Notice of the Intention to produce such Evidence on the same; and provided further, that the Court shall in no Case award to him any greater or other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Apprehension of Deserters.

XXII. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to cause him to be brought before any Justice living in or near such Place, and acting for the

same or any adjoining County, who hath hereby Power to examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Soldier, and ought to be with the Corps to which he belongs, such Justice shall forthwith cause him to be conveyed to some public Prison in such Place, or if there be no public Prison in such Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient public Prison in the same or any next adjoining County, or, in case such Deserter shall be apprehended within the Vicinity of any Military Prison appointed under the Authority of this Act to the Governor or Provost Marshal of such Prison; or if such Deserter shall be apprehended by any Party of Soldiers of his own Regiment, or shall be apprehended in the Vicinity of the Head Quarters or of any Depôt of the Regiment to which he shall belong, then such Justice may deliver such Deserter to the Party of his Regiment, or may order such Deserter to be taken to the Head Quarters or Depôt of the Regiment to which he shall belong, instead of committing him to Prison; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying at the Foot thereof the Commitment to Prison or Delivery of such Deserter to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, as the Case may be, to the end that such Person may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum, not exceeding Forty Shillings, as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler or other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody notify the Fact to the Secretary at War, and transmit also to the Secretary at War a Copy of the Commitment.

Fraudulent Confession of Desertion.

XXIII. And be it enacted, That any Person who shall voluntarily deliver himself up and confess himself to be a Deserter from Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, or who, while serving in any of Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, shall to any Officer or Non-commissioned Officer thereof confess himself to be a Deserter as aforesaid, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces, as Her Majesty shall think fit to appoint, whether such Person shall have been ever actually enlisted as a

Soldier or not; or in case such Person shall not be a Deserter as aforesaid, he shall be liable to be taken before Two Justices of the Peace, and, on Proof that any such Confession as aforesaid was false, shall by them be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith;* or shall be deemed guilty, if in *Scotland*, of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, as the Case may be, shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

XXIV. And be it enacted, That any Recruit who shall desert prior to joining the Regiment for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath,

Recruits deserting liable to be transferred to the nearest Re-

giment or Depôt.

Oath, or upon his own Confession, be liable to be transferred to any Regiment or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments, and Infantry Recruits to Infantry Regiments; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, nor to any other Penalty except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Penalty for inducing or assisting to desert.

XXV. And be it enacted, That every Person who shall, in any Part of Her Majesty's Dominions, directly or indirectly persuade any Soldier to desert, shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter, knowing him to be such, in deserting or in concealing himself, shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty for forcible Entry.

XXVI. And be it enacted, That every Commissioned Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Term of Imprisonment to commence on the Day of signing the original Sentence, and Place of Imprisonment to be appointed by the Officer commanding the District, &c.

Proviso for Removal of Prisoners.

XXVII. And be it enacted, That, save as herein-before specially provided, any Term of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of General Courts-martial shall be appointed by the Officer commanding the District, Garrison, Island, or Colony, and under the Sentence of any other Court-martial shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of Appointment by any such Officer then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached: Provided always, that it shall be lawful for the Officer commanding the Regiment or Corps, in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Regimental Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly,

accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be; provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Secretary at War may set apart Buildings as Military Prisons, and appoint Officers, and make Rules and Regulations for Government of the same.

XXVIII. And be it enacted, That it shall be lawful for the Secretary at War to set apart any Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Military Prisons, and to declare that any Building, or any Two or more separate and detached Buildings, shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison, whether the same now exist or may hereafter be established, which shall be, or which under the Provisions of any former Act of Parliament have been, so as aforesaid set apart or declared, shall be deemed to be a public Prison within the Meaning of this Act; and it shall be lawful for the Secretary at War from Time to Time to appoint a Governor or Provost Marshal, and all other necessary Officers and Servants, for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant, of any such Military Prison; and the General or other Officer commanding any District within which may be any such Military Prison, or such General or other Officer, and such other Person and Persons as the Secretary at War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and every Visitor and Governor of any such Military Prison respectively shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary at War, have and exercise in respect of such Prison, and of the Governors, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Visiting Justice or Governor of a County Gaol or House of Correction may respectively exercise as such; and it shall be lawful for the Secretary at War from Time to Time to make, alter, and repeal Rules and Regulations for the due Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of Offenders confined therein; and the Visitor or Visitors of every such Military Prison shall, on or before the First Day of *July* in every Year, transmit to the Secretary at War Copies of all Rules and Regulations in force on the Twenty-fifth Day of *May* in such Year, for the Government of such Prison, together with Copies of any new or additional Rules and Regulations which he or they may propose for the Government thereof; and the Secretary at War, on or before the First Day of *August* in each Year, shall transmit to the Visitor or Visitors a Copy, subscribed by him, of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such Prison; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State, shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary at War.

Custody of Offenders under a Military Sentence.

XXIX. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement shall receive into his Custody any Soldier, for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Subsistence of Soldiers, and Custody and Subsistence of Deserters, in Gaols, &c.

XXX. And be it enacted, That the Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions shall diet and supply every Soldier with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Place of Confinement is defrayed; and such Gaoler or Person is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, which Order shall continue in force until the Deserter shall have arrived at his Destination, and such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

XXXI. And

XXXI. And be it enacted, That every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have reason to believe or to know, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give, if in *Great Britain*, to the Secretary at War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof. Notice of Expiration of Imprisonment.

XXXII. And be it enacted, That all the Provisions of this Act shall apply to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to the Forces of the *East India* Company while such Officers or Soldiers shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners, and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, and to Persons in the Ordnance and in the Commissariat Departments, who are or shall be serving with any Part of Her Majesty's Forces, at home or abroad, under the Command of any Officer having Commission from Her Majesty, or from His late Majesty King *William* the Fourth, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of Her Majesty's Ordnance Establishments at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect. Persons subject to this Act.

XXXIII. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, shall be liable to Martial Law in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billetting Soldiers shall apply to such Officers and Soldiers. Foreign Troops in this Country.

XXXIV. And be it enacted, That nothing in this Act contained shall in anywise be construed to extend to any of the Militia Forces or Yeomany or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein, by any Act or Acts for regulating any Militia and Yeomanry.

any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Act to extend to Jersey, Guernsey, &c.

XXXV. And be it enacted, That this Act shall be construed to extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, and also as to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds, in the said Islands.

Enlisting and swearing of Recruits.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, an attested Soldier, or an Out-Pensioner of *Chelsea* Hospital authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billetted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Four Days (any intervening *Sunday* not included) but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, or, in *Scotland*, before any Baillie of a Royal Burgh, residing within the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of

the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

XXXVII. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided also, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto, demanding the same; provided that no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences connected with Enlistment.

XXXVIII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily

 return

return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary at War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices, when any such Recruit shall be brought, and shall be proved, upon Oath before them, to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmity, or to have designedly made any false Representation upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds; and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service

or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*; and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Ordnance, Navy, or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary at War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted; provided that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland*, in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Penalty on Officers offending against Laws

XXXIX. And be it enacted, That every Military Officer, who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service

regarding Enlistment.

Service or for the Service of the *East India* Company, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Enlistment and Re-enlistment abroad.

XL. And whereas it is expedient that Provision should be made for enlisting and attesting of Soldiers desirous of re-enlisting, and others desirous of enlisting abroad; be it therefore enacted, That it shall be lawful for any Person duly appointed by Her Majesty by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas, it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to enlist as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so enlisted is hereby deemed to be discharged from his former Corps; and an attested Certificate of Transfer shall be delivered to the Soldier.

Enlistment of Negroes.

XLI. And be it enacted, That all Negroes purchased by or on account of Her Majesty, and serving in any of Her Majesty's Forces, shall be considered as Soldiers having voluntarily enlisted in Her Majesty's Service; provided that nothing contained in this Act as to enlisting for limited Periods of Service, or in any other Act as to any Rules or Regulations for granting Pensions or Allowances to Soldiers discharged after certain Periods of Service, shall extend to any Negroes so purchased.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

XLII. And be it enacted, That any Person duly bound as an Apprentice, who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of Her Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Forces.

Claims of Masters to Apprentices.

XLIII. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, unless he shall, within One Calendar Month after such Apprentice shall have left his Service, go before some

some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and, if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Punishment of Apprentices enlisting.

XLIV. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every

such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; provided that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Musters, and Penalty on false Musters.

XLV. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in Her Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Person who shall give or procure to be given any untrue Certificate whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service; and if the Person giving such untrue Certificate shall not have any Military Commission he shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds; and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Forfeiture of Pay.

XLVI. And be it enacted, That any Soldier who shall absent himself without Leave, or who shall desert, shall, on Conviction by a General or other Court-martial, in addition to any Punishment awarded by such Court, forfeit his Pay for the Days on which he has so absented himself without Leave, or on which he has been absent by such Desertion, and that no Soldier shall be entitled to Pay or to reckon Service towards Pay or Pension when in Confinement under any Sentence of any Court, or during any Absence from Duty by Commitment under the Civil Power on a Charge of any Offence cognizable by a Civil or a Criminal Court, or by reason of any Arrest for Debt or as a Prisoner of War, or while in Confinement under any Charge of which he shall afterwards be convicted; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Soldier shall be imprisoned for any Period not exceeding

Seven Days, and with or without hard Labour or solitary Confinement, as the said Commanding Officer may think fit, and that such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned, and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited, and such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid; provided that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence instead of submitting to such Forfeiture; and provided also, that any Soldier acquitted of any Offence for which he had been committed shall, upon Return to his Duty in his Corps, be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement; and upon rejoining Her Majesty's Service from being a Prisoner of War due Inquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; provided that it shall be lawful for Her Majesty's Secretary at War to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

Extension of Furlough in case of Sickness.

XLVII. And be it enacted, That when there shall not be any Military Officer of Rank, not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which the Man belongs, if known, and if not, then to the Agent of the Regiment, in order that the proper Sum may be remitted to the Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marching Money on Discharge.

XLVIII. And be it enacted, That every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require

require it, to *Great Britain* or *Ireland* free of Expence, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Commissaries to attest their Accounts.

XLIX. And be it enacted, That all Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall make the Declaration described in the Schedule to this Act annexed; which Declaration, if made in any Part of the United Kingdom, shall be made before some Justice, and if made on Foreign Service, before the Officer commanding in chief, or the Second in command, or the Quarter Master or Deputy Quarter Master General, or any Assistant Quarter Master General of the Army to which he shall be attached, who shall respectively have Power to administer and receive the same.

Issue of Pay of the Army.

L. And be it enacted, That no Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and forty-five, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided that it shall be lawful for Her Majesty's Secretary at War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty, or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary at War.

Penalty for Disobedience by Agents.

LI. And for enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, be it enacted, That the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary at War, or by Her Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commis-

Commissioners of the Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds; and if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter; or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

How and where Troops may be billetted.

LII. And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burthened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Three-pence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billetting whatsoever: And whereas by an Act passed in *Ireland* in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, should at any Time thereafter be allowed any Quarters in any Part of *Ireland*, save only during such Time as he or they should be and remain in some Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army should be commanded to march from any Part of *Ireland* to another: But forasmuch as at this Time, during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, be it enacted, That it shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less

6 Anne. (I.)

than Two Men in any One House, except only in case of billetting Cavalry as specially provided); and that they shall be received by the Occupiers of such Houses in which they are so allowed to be billetted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billetted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billetted above One Mile from the Place mentioned in the Route; and in all Places where Cavalry shall be billetted in pursuance of this Act, the Men and their Horses shall be billetted in one and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billetted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billetted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billetted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billetted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Soldiers are billetted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billetted upon other Persons as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billetted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act, who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billetted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall

be so billetted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billetted in any Place with another Man or Horse billetted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billetted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets to extend any Routes or enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billetting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billetted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful for Constables to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billetted, except in the Suburbs of *Edinburgh*.

Billetting the Guards in and near Westminster.

LIII. And be it enacted, That the Officers and Soldiers of Her Majesty's Foot Guards shall be billetted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*), and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billetting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act; and the said Constables shall at every General Sessions of the Peace to be holden for the said City and Liberties, Counties, and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billetted on each respectively, which Lists shall remain with the respective Clerks of the Peace for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Two-pence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

LIV. And

Military Officers not to act as Justices in billetting.

LIV. And be it enacted, That no Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billetting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

LV. And be it enacted, That the Innholder or other Person on whom any Soldier is billetted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Soldiers may be billetted in *England*, except when on the March and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldier with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billetted in *England*, for Hay and Straw, shall be Nine-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billetted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the Average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billetted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billetted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any Officer as aforesaid shall not pay the same, upon Complaint, and Oath made thereof by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters were situated, the Secretary at War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the

the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billetted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

Definition of Terms.

LVI. And be it enacted, That all the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and all Powers and Provisions relating to the *British* Isles shall be construed to extend to *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billetting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billetting; and all Provisions for billetting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billetting Soldiers in such Manner as has been heretofore customary; provided that no Officer or Soldier shall be billetted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Powers and Regulations as to Billets.

Exemptions from Billets

Supply of Carriages.

LVII. And be it enacted, That for the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or the Master General or Lieutenant General of Her Majesty's Ordnance, or other Person duly authorized in that Behalf, shall, on Production of such Order to such Justices by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid for Carriages, and Regulations relating thereto.

LVIII. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight, loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, or Sixpence, as may seem reasonable

able to the Justices assembled at General Sessions for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices or Recorder at Sessions shall specify the Average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and one other Justice, or by the Recorder, shall be transmitted to the Secretary at War within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher; provided that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper, and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; provided that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; provided that a Cart with One or more Horses for which the Furnisher shall receive Ninepence a Mile shall be required to carry Fifteen Hundred Weight at the least; provided that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns

Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LIX. And be it enacted, That it shall be lawful for Her Majesty, or the Lord Lieutenant or Chief Governors of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary at War, or if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them.

LX. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions

Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, Regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Routes in Ireland.

LXI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

LXII. And be it enacted, That all Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Recruits marching by Route, and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed; and any Toll Collector who shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, or from any Recruits marching by Route, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service when conveying Persons or Baggage under the Provisions of this Act, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, for which Forfeiture and Penalty he shall be prosecuted before a Justice of the Peace; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Ferries.

LXIII. And be it enacted, That when any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXIV. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billetting any Officers or Soldiers in any Part of the United Kingdom, shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty,

when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; such Constable, Victualler, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties upon the Military so offending.

LXV. And be it enacted, That if any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do any thing contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate thereof shall be transmitted by One of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander in Chief and Secretary at War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after

such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

LXVI. And be it enacted, That any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier knowing him to be such, to sell, any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage as aforesaid, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer

Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty if not exceeding Twenty Pounds to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided always, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

Penalty on unlawful recruiting.

LXVII. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty on trafficking in Commissions.

LXVIII. And be it enacted, That every Person, not being an authorized Army Agent, who shall negociate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or shall negociate or receive, for any Purpose whatsoever, any Money or Consideration

where

where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regular Price.

Penalty on killing Game.

LXIX. And for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Officers not liable to take Parish Apprentices.

LXX. And be it enacted, That no Officer of Her Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Mode of recording a Soldier's Settlement.

LXXI. And be it enacted, That any Justice in the United Kingdom within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billetted, may summon such Soldier before him in the Place where he is billetted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Notification to Parishes of good or bad Conduct of Soldiers.

LXXII. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary at War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who in consequence of Misconduct have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Wages of Servants enlisting.

LXXIII. And be it enacted, That it shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master, to adjudge

to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and in case of Neglect or Refusal to pay the same within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Licences of Canteens.

LXXIV. And be it enacted, That when any Person shall hold any Canteen under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Attestation of Accounts.

LXXV. And be it enacted, That all Muster Rolls and Pay Lists which are required to be verified by Declaration shall be so verified before and attested by any Justice without Fee or Reward to himself or to his Clerk.

Form of Actions at Law.

LXXVI. And be it enacted, That any Action which shall be brought against any Person for any thing to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

LXXVII. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*, and of another Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the more effectual*

3 G. 4. c. 23.

5 G. 4. c. 18.

effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, for facilitating the Execution of Warrants, by Constables: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied in *Scotland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Sessions in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Appropriation of Penalties.

LXXVIII. And be it enacted, That One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London*, to be at the Disposal of the Secretary at War, any thing in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War.

5 & 6 W. 4. c. 76.

Administration of Oaths.

Perjury.

LXXIX. And be it enacted, That all Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and that any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury, or of making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws in force any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Duration of the Act.

LXXX. And be it enacted, That this Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and forty-five inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and forty-six; and shall

shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and forty-five inclusive until the First Day of *May* One thousand eight hundred and forty-six; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and forty-five inclusive until the First Day of *August* One thousand eight hundred and forty-six; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and forty-five inclusive to the First Day of *September* One thousand eight hundred and forty-six, and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and forty-six inclusive until the First Day of *January* One thousand eight hundred and forty-seven; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and forty-seven inclusive until the First Day of *February* One thousand eight hundred and forty-eight: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions beyond the Seas, become and be in full Force; any thing herein contained to the contrary notwithstanding.

Alteration of the Act.

LXXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULES to which this Act refers.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court, until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help me GOD.

FORM of OATH of a JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

QUESTIONS to be put separately by the JUSTICE to a RECRUIT.

Enlisting for unlimited Service.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?

7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of until you shall legally be discharged?
9. On what Day, at what Hour, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the *East India* Company?
13. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the *East India* Company?
14. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the *East India* Company, upon any prior Enlistment?

Note.—The Justice is directed in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

Enlisting for unlimited Service in Her Majesty's Colonies.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Colony of until you shall be duly and legally discharged?

Enlisting for limited Service.

The preceding Questions to be put by the Justice, except Question 8., which is to be as follows:

8. Are you willing to be attested to serve in the Regiment of for the Period of [*this Blank to be filled up by the Justice with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for Artillery, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under the Age of Eighteen Years, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be,*] Years, provided Her Majesty should for so long require your Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years, as shall be directed by any Proclamation of Her Majesty, such additional Period, in the latter Case, to determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any definitive Treaty, shall have elapsed subsequent to the Expiration of the said [Seven, Ten, *or* Twelve, *as the Case may be,*] Years?

Enlisting

Enlisting for either Her Majesty's or the East India *Company's Service.*

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the *East India* Company, according as Her Majesty shall think fit to order, until you shall be duly and legally discharged?

Enlisting for the East India *Company's Service.*

Question 8. to be put by the Justice as follows:

8. Are you willing to be attested to serve the *East India* Company * until you shall be legally discharged? [*Or if the Recruit enlist for limited Service, then insert,* for the Period of Twelve Years (*if the Person enlisting is of the Age of Eighteen Years or upwards, but if under Eighteen Years then the Difference between his Age and Eighteen to be added to such Twelve Years, as the Case may be, and such Period to be inserted instead of Twelve Years,*) provided the said Company should so long require your Service?]

* The Blank to be filled up with the Words Infantry or Artillery, as the Case may be.

OATH to be taken by a RECRUIT enlisting for unlimited or limited Service.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

Witness my Hand

_____ Signature of Recruit.

_____ Witness present.

Sworn before me at this
Day of One thousand eight
hundred and
at o'Clock.

Signature of Justice _____

If

If enlisting for either Her Majesty's or the East India *Company's Service, the following Addition is to be made to the foregoing Oath:*

And that if Her Majesty, Her Heirs or Successors, shall please to appoint me to serve in the Forces of the *East India* Company, then I swear that I will also be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

If enlisting for the East India *Company's Service, the following is to be added to the Oath:*

And that I also will be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently
Height, Feet Inches
Complexion,
Eyes,
Hair,

Any distinctive Mark.

to wit. } I one of Her Majesty's Justices of the Peace of do hereby certify, That the above is the Description of the Recruit and in my Presence all the foregoing Questions were put to the said ; that the Answers written opposite to them are those which he gave to me; and that the First and Second Articles of the Second Section of the Articles of War were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; and that I have given him a Duplicate of this Certificate, signed with my Name.

Signature of Justice.

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the

Day

Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and .

Sworn before me at this Day of One thousand eight hundred and }

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I one of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Money or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than public Purposes, according to the Duty of my Office; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, Chapter 62, for the Abolition of unnecessary Oaths, and for substituting Declarations in lieu thereof.

Declared before me by the within-named this Day of }

Justice of the Peace of , or *Commander in Chief or Second in Command*, et cætera, *the Army serving in* et cætera [*as the Case may be*].

No. .

DESCRIPTION RETURN of committed to Confinement at on the Day of as a Deserter from the Regiment of .

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place - - - -	
† Name and Occupation and Address of the Person by whom apprehended	
† Particulars in the Evidence on which the Prisoner is committed - -	
† Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter - -	
† Whether the Prisoner confessed before the Magistrate that he is a Deserter	

† It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he * a Deserter from the above-mentioned Corps.

———— *Signature and Address of Magistrate.*
———— *Signature of Prisoner.*
———— *Signature of Informant.*

* Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him * for Military Service.

———— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

* Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

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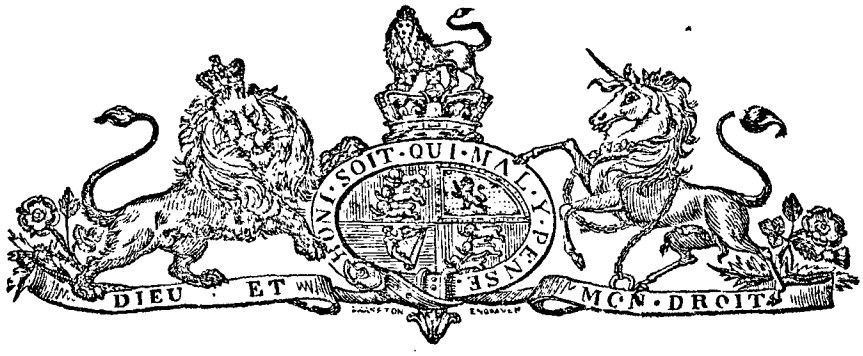

ANNO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. IX.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[24th *April* 1845.]

WHEREAS it is judged necessary for the Safety of the United Kingdom, and the Defence of the Possessions of this Realm, that a Body of Royal Marine Forces should be employed in Her Majesty's Fleet and Naval Service, under the Direction of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid: And whereas the said Forces may frequently be quartered or be on shore, or sent to do Duty or be on board Transport Ships or Merchant Ships or Vessels, or Ships or Vessels of Her Majesty, or other Ships or Vessels, or they may be under other Circumstances in which they will not be subject to the Laws relating to the Government of Her Majesty's Forces by Sea: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm by Martial Law, or in any other Manner than by the Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless it being requisite for the retaining of such Forces in their Duty that an exact Discipline be observed, and that Marines who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty

of any other Crime in breach of good Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That during the Continuance of this Act if any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any other Place, or while being in any Circumstances in which he shall not be subject to the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

Crimes punishable by Death.

II. Provided always, and be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that

The ordinary Course of Law not to be interfered with.

that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any capital Crime, or with any Violence or Offence against the Person or Property of any of Her Majesty's Subjects punishable by the known Laws of the Land, or who shall wilfully neglect or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty: Provided always, that no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial otherwise than by cashiering; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court, or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings; and every such Certificate, containing the Substance and Effect of an Indictment and Conviction as aforesaid, shall be sufficient Evidence before a Court-martial of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed the Certificate, nor, if the Court be satisfied from the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender.

Marines not to be taken away from the Service for Debts under 30*l.*

III. And be it enacted, That no Person enlisted in Her Majesty's Service as a Marine shall be liable to be arrested or taken therefrom, by the Warrant of any Magistrate or other Process, for not supporting, or for leaving chargeable on any Parish, Township, or Union any Wife, or any Child or Children, nor, except in the Case of an Apprentice, on account of any Breach of Contract or Engagement to serve or work for any Employer; and that no Marine shall be liable to be arrested and taken out of Her Majesty's Service for Debt by any Process or Execution whatsoever, unless an Affidavit shall be first duly made and filed by the Plaintiff in the Suit, or by some one on his Behalf, for which no Fee shall be taken, that the original Debt for which the Action has been brought amounts to the Sum of Thirty Pounds at least over and above all Costs in that or any other Action, a Memorandum of which Oath shall be marked on the Back of such Process and of the Warrant grounded thereon; and in case any Person shall nevertheless contrary hereto be arrested, it shall be lawful for any Judge of the Court out of which the Process shall have issued, and he is hereby required, upon Complaint made by the Person arrested, or by his Superior Officer, and upon due Proof thereof being made to him that such Arrest was made contrary to the Intent and Meaning of this Act, to discharge the Person so arrested out of Custody, and also to award

award to the Party complaining such Costs as such Judge shall think reasonable; for the Recovery whereof he shall have the like Remedy by Writ of Execution as that which the Plaintiff in the Suit might have had in case Judgment had been given for him in the Action: Provided always, that any Plaintiff, upon Notice in Writing of the Cause of Action to be first given to any Marine, or left with the Adjutant of the Division to which he shall belong, may, in case no Appearance shall be entered in due Time, file a Common Appearance for him in any Action brought for the Recovery of a Debt, and may proceed therein to Judgment and Outlawry, and may have Execution thereon other than against the Body of the Defendant.

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

IV. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, or to the Discipline of the Royal Navy, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad: Provided always, that no Person within the United Kingdom of *Great Britain* and *Ireland* or the *British* Isles shall be subject by such Rules and Articles to be transported as a Felon or to suffer any Punishment extending to Life or Limb for any Crime which is not expressed to be so punishable by this Act, nor in any Manner which shall not accord with the Provisions of this Act.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

V. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British* Isles as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's

Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer not below the Degree of a Field Officer to convene, Courts-martial as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces under their Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial, convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, and the Settlements on the Coast of *China* excepted,) or in the Settlements of the *East India* Company, *Prince of Wales Island*, *Singapore*, and *Malacca* excepted, or elsewhere, shall consist of not less than Thirteen Commissioned Officers, and if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or out of the Queen's Dominions (excepting *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China*, and *Prince of Wales Island*, *Singapore*, and *Malacca*), shall have not less than Seven, and in *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China*, *Prince of Wales Island*, *Singapore*, and *Malacca*, not less than Five Commissioned Officers; and in all Cases no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Members present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Courts-martial to administer Oaths.

VII. And be it enacted, That all and every Court-martial shall have Power and Authority and is hereby required to administer the requisite Oath, in the usual Form, to every Person who shall be examined as a Witness before any such Court-martial, previous to his giving Evidence thereat; and whenever Sentence shall be passed by a Court-martial for any Offence on a Person already imprisoned under Sentence of a Court-martial for another Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced,

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although the aggregate Term of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments could be otherwise awarded.

Proceedings of Courts-martial.

VIII. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act the President and every Member of such Court shall, before any Proceedings be had thereupon, take the Oaths for that Purpose set forth in the Schedule to this Act annexed, before the Judge Advocate or Person officiating as such, and on Trials by other Courts-martial before the President thereof, who are hereby respectively authorized to administer the same; and so soon as such Oaths shall have been administered to the respective Members the President of the Court (having himself taken the said Oath, to be administered to him by any sworn Member,) is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act for that Purpose annexed; and that no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which may require an immediate Example, and except in the *East Indies*, where such Trial may be held between the Hours of Six in the Morning and Four in the Afternoon.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

IX. And whereas it may be expedient in many Cases that Officers of the Land Forces should be associated with Royal Marine Officers for the Purpose of holding Courts-martial; be it enacted, That when and as often as it shall be deemed necessary it shall and may be lawful for Officers of Royal Marines and of the Land Forces to sit in conjunction on any Court-martial to be held under the Authority of this Act, and to proceed on the Trial of any Marine Officer, Non-commissioned Officer, Drummer, or Private Man, in like Manner to all Intents and Purposes as if such Court-martial were composed of Marine Officers only, and whether the Officer by whose Order such Court-martial is assembled belong to the Land or the Marine Forces; and the Officers composing such Court shall in such Cases take Rank according to the Seniority of their Commissions in either Service.

General Courts-martial may sentence Offenders to Imprisonment, &c.

X. And be it enacted, That a General Court-martial may sentence any Marine to Imprisonment, solitary or otherwise, and with or without hard Labour, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; but no such solitary Confinement shall exceed Twenty-eight Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement; and a General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence

punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for any certain Term of Years, or to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall be pleased to direct, or if such Offender shall have enlisted for any limited Term, may sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall be pleased to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as to Her Majesty shall seem meet.

District or Garrison Courts-martial.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, the Windward and the Leeward Islands, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers; and that it shall be lawful for such Court, whether assembled under the Authority of this Act, or of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with Her Majesty's Land Forces or otherwise, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, or to Corporal Punishment not extending to Life or Limb, for any such Offence; but no such solitary Confinement shall exceed Twenty-eight Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement, and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military, Divisional, or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural,

tural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and every such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor, or of his Allowance in lieu of Beer or Liquor, or of any Proportion thereof, or of any Portion of additional or daily Pay, for any Period not exceeding Two Years, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the aforegoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to pass any Sentence of Death or Transportation; and the President of every Court-martial other than a General Court-martial shall be appointed by the Officer convening such Court-martial, and shall not be under the Rank of a Captain, save in the Case of a Detachment Court-martial holden out of Her Majesty's Dominions, or holden on board a Transport Ship, Troop Ship, Convict Ship, or Merchant Vessel.

If no Superior Officer of Land Forces is present in Command of a District, &c. an Officer of Marines may convene a Court-martial.

XII. And be it enacted, That, provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as afore stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer, for any of the afore-mentioned Offences cognizable by a District or Garrison Court-martial, and that such Courts so convened shall possess the same Power and Authority in awarding Punishments in all respects as if the Court had been assembled under the Act afore mentioned, for punishing Mutiny and Desertion in the Army: Provided always, that the Sentence so awarded shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same.

Divisional Courts-martial.

XIII. And be it enacted, That in Cases of Mutiny and gross Insubordination, or of any Offences committed on the Line of March, or on board any Transport Ship, Troop Ship, Convict Ship, or Merchant Vessel, the Offence may be tried by a Divisional or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided that the Sentence shall not exceed that which a Divisional

a Divisional Court-martial is competent to award; and a Divisional or Detachment Court-martial may try any Marine for habitual Drunkenness, and may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, or to solitary Confinement not exceeding Twenty Days, or may sentence a Marine to Imprisonment, Part thereof to be with or without hard Labour, and Part thereof in solitary Confinement: Provided also, that when the Imprisonment so to be adjudged shall be Part in solitary Confinement and Part otherwise, the whole Period shall not exceed Twenty Days, and the Part thereof in solitary Confinement shall not exceed Ten Days; and a Divisional or Detachment Court-martial may sentence any Marine, for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and every such Court shall deprive a Marine convicted of habitual Drunkenness of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, as may accord with the Articles of War, subject to Restoration on good Conduct.

Detachment Courts-martial.

XIV. And be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of Her Majesty's Royal Marine Forces which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided that no Sentence of any such Detachment Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Marking a Deserter.

XV. And be it enacted, That every Marine convicted of Desertion by any General, District, or Garrison Court-martial, or of Felony in any Court of Criminal Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any other Punishment which such Court may award; and in addition to any other Punishment it shall be lawful for a District or Garrison Court-martial to sentence a Marine convicted of

Desertion to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might accrue from future Service; and it shall be lawful for any General or District or Garrison Court-martial assembled to try the Crime of Desertion, on the first and on every subsequent Conviction of Desertion, to direct, if it shall think fit, that, in addition to any other Punishment, such Court may award the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked on the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Trial and Punishment for Embezzlement.

XVI. And be it enacted, That every Officer and other Person employed in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall wilfully suffer any Money, Provisions, Forage, Arms, Clothes, Ammunition, or other Military or Royal Marine Stores to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by a General Court-martial, which is hereby empowered to adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service with Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and that such Person shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to sentence the Offender to be imprisoned until the same, and any Fine which may be imposed, be paid and satisfied to Her Majesty; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Witnesses.

XVII. And be it enacted, That all Witnesses, whether Military or otherwise, duly summoned by the Judge Advocate, or the Person appointed to officiate as such, or by the President of a General, District, Garrison, or Divisional Court-martial, or by the Adjutant at the Head Quarters of the Division at which any such Court shall be appointed to be held, to give Evidence on any Court-martial, shall during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if nevertheless arrested contrary to the Intent of this Act, be forthwith discharged out of Custody by the Order of the Court out of which the Writ or Process for such Arrest was issued, and if such Court shall not be then sitting, then by the Order of any Judge or Baron of the Courts at *Westminster* or *Dublin*, or of the Courts of Session in *Scotland*, or Courts of Law elsewhere, as the Case may require, upon its being made appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending such Court-martial; and every Person

so duly summoned as a Witness who shall not attend, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence at any such Court-martial, or to answer all such Questions as the Court may legally demand of him, shall be liable to be attached, proceeded against, and punished in the Court of Queen's Bench at *Westminster* or *Dublin*, or Court of Session or other Court of Law, or elsewhere, in the same Manner as Persons disobeying the Subpœna to testify, or any similar Process of such Courts, are liable to be proceeded against and punished.

Transportation of Offenders.

XVIII. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter to be passed by a General Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute, as herein-before provided, any Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon the same as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of the same as they would be if the same had been made under the Authority of any other Act of Parliament; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime and sentenced to be transported, or receiving Her Majesty's Pardon on Condition of Transportation; and from the Time when such Order of Transportation shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape or the returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have

have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Disposal of Convict after Sentence of Transportation.

XIX. And be it enacted, That when any Sentence of Death shall be commuted for Transportation, or when any Marine shall by Court-martial be adjudged to be transported, as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged to cause him to be conveyed to the nearest Ship for the Reception of Convicts, or if there shall be no such Ship in the Neighbourhood of the Division then to the Gaol of the County in which such Division shall be stationed, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Transportation to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Superintendent or Chief Officer of the Convict Ship, or the Sheriff or the Keeper of the Gaol of the County, as the Case may be, to receive and detain him: Provided always, that in case of any such Offender being so conveyed to the Gaol of the County, the usual Allowance of Sixpence *per Diem* shall be made to the Keeper of the Gaol for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division upon Production to him by the said Keeper of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol.

Marines sentenced to Imprisonment to undergo Sentence in such Prison as the Court, &c. shall appoint.

Discharge or Removal of Prisoners.

XX. And be it enacted, That any Marine sentenced by a Court-martial to Imprisonment with or without hard Labour, whether directed to be kept in solitary Confinement for the whole or any Portion or Portions of such Imprisonment or not, shall undergo such Sentence in such public Prison or other Place as may in each Case be appointed by the Court, or the Commissioners for the Time being for executing the Office of Lord High Admiral of the United Kingdom, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony: Provided always, that it shall be lawful for the Officer commanding the Division, in the Case of a Prisoner imprisoned under the Sentence of a Divisional Court-martial, of his

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sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give, at any Period of any such Imprisonment, and as often as Occasion may arise, an Order in Writing, directing that the Prisoner may be discharged, or be removed in Military Custody to some other public Prison or Place of Confinement, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged, or delivered up for Removal and be removed, as the Case may be: Provided also, that the Time of Removal from one public Prison or Place of Confinement to another, or during which any Prisoner shall be detained in Military Custody, for whatever Purpose such Detention shall take place, shall be reckoned as Imprisonment under his Sentence.

Military Prisons established under Act for punishing Mutiny and Desertion to be deemed public Prisons.

XXI. And be it enacted, That every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be a public Prison within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Term of Imprisonment of Offenders.

Place of Imprisonment.

XXII. And be it enacted, That in all Cases the Term of Imprisonment under the Sentence, whether original or revised, of a Court-martial, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings of the Court-martial shall be signed by the President, and that every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or House of Correction in every Part of Her Majesty's Dominions shall receive into his Custody any Marine under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing on that Behalf from the Commanding Officer of the Division to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Prisoner is to undergo; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Marine in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged, or delivered up before the Expiration of that Time under an Order duly made for that Purpose; and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or Lock-up House shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon his being furnished with a written Order to that Effect from the Officer commanding the Detachment to which

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the Marine belongs; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Lock-up House, or other Place of Confinement who shall refuse to receive and to confine or to deliver up any Marine in the Manner herein-before prescribed shall forfeit for every such Offence the Sum of One hundred Pounds.

Place of Confinement of Offenders may be changed.

XXIII. And be it enacted, That whenever it shall be deemed expedient it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, by any Order in Writing to be made for that Purpose, under the Hand of the said Lord High Admiral, or the Hands of Two or more of the Commissioners aforesaid, and the Seal of the Office of Admiralty, to change the Place of Confinement expressed in any Sentence of a Court-martial to be held under the Authority of this Act, either previous to the Commitment of the Offender or under any such Sentence, or at any Time during the Period of his Confinement, and so from Time to Time as often as it shall be deemed requisite; and the Gaoler or other Person having the Custody of such Offender shall, immediately on the Receipt of any such Order, remove and convey such Offender to the Gaol, Prison, or House of Correction mentioned in the said Order so to be made as aforesaid (for the Charges of which Removal and Conveyance he shall be allowed a Sum not exceeding One Shilling *per* Mile); and every Gaoler or Keeper of such last-mentioned Gaol, Prison, or House of Correction shall thereupon, and upon being furnished with a Copy of the Sentence of Confinement, and of such Order of Removal, (such Copies respectively to be attested by the Secretary of the Admiralty for the Time being,) receive into his Custody and shall confine, pursuant to such Sentence, every such Offender, under the like Penalty and Forfeiture, in case of Refusal or Neglect, as is lastly herein-before provided.

Offenders against former Mutiny Acts may be tried under this Act.

XXIV. And be it enacted, That all Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-

Limitation as to Time.

Court-martial under this Act, and shall escape and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Appeal.

XXV. And be it enacted, That no Person who shall have been acquitted or convicted of any Offence at any Court-martial shall be liable to be tried a Second Time for the same Offence, except in the Cases in which an Appeal from a Divisional to a General Court-martial against a Conviction is expressly given by any of the Articles of War to be made in pursuance of this Act; and that no Sentence of any Court-martial, signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Revision of Sentence.

Forfeiture of Pay.

XXVI. And be it enacted, That no Marine who shall absent himself without Leave, or shall desert, shall be entitled to receive any Pay for the Time during which he shall have been absent from his Duty without due Authority; nor shall any Marine be entitled to Pay, or to reckon Service towards Pay or Pension, for any Period during which he shall be in Confinement under the Sentence of any Court, or shall be absent on any Charge cognizable by any Justice of the Peace or by any Court of Criminal Judicature, or by reason of any Arrest for Debt, or while he shall be in Confinement or absent as a Prisoner of War; but if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for such Absence to the Satisfaction of his Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Marine shall be imprisoned for any Period not exceeding Seven Days, and with or without hard Labour or solitary Confinement, as the said Commanding Officer may think fit; and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Marine shall be accordingly forfeited; and such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid; provided that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture, and if acquitted of the Offence for which he shall have been in Confinement shall, upon his Return to his Duty, be allowed to receive the Arrears of Pay, and to reckon Service for the Time he shall have been so absent; and when a Marine shall rejoin Her Majesty's Service upon his Release from Confinement as a Prisoner of War due Inquiry shall be made by a

Court-

Court-martial into the Circumstances of his Case, and if it shall be proved to the Satisfaction of such Court that such Marine became a Prisoner without wilful Neglect or Fault on his Part, and that he hath not served with or in any Manner aided the Enemy, and that he hath returned as soon as he possibly could to Her Majesty's Service, he may thereupon be recommended by such Court to the said Commissioners to receive the whole or any Proportion of his Pay, and to reckon Service for the Time he shall have been so absent: Provided also, that it shall be lawful for the said Commissioners to order or withhold the Payment of the Pay of any Officer or Marine for the Period during which he shall have been absent from any of the Causes aforesaid, except that any Marine acquitted of any Offence for which he had been committed shall always upon Return to his Duty be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement.

Report of Proceedings of Courts-martial.

XXVII. And be it enacted, That every Judge Advocate, or Person officiating as such, at any General Court-martial, or the President of any other Court-martial, shall transmit, with all reasonable Expedition, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and that the Person tried by any General Court-martial shall, upon Application to the Secretary of the Admiralty, be entitled, at any Time after the Expiration of Three Calendar Months from the Date of such Sentence, but not sooner, whether such Sentence be approved or not, to a Copy of the Proceedings and Sentence, upon paying reasonably for the same according to the Length thereof; provided that such Application as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Subsequent Enlistment no Protection from Punishment for Desertion.

XXVIII. And be it enacted, That every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence as an Aggravation of the Crime for which he shall be under Trial; and in like Manner, in the Case of any Marine tried for any Offence whatever, any previous Convictions may be given in Evidence against him; and every Certificate which shall purport to contain a Copy of the Charges, Finding, and Sentence of a Court-martial, and of the Minute of Confirmation of such Finding and Sentence, made from the Entries thereof in the original Minutes of such Court-martial, or in the Court-martial Book, shall be sufficient Evidence before a Court-martial of a Conviction by a Court-martial, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed the Certificate, nor, if

the Court be satisfied, from all the Circumstances of the Case, that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender; provided that no such Evidence shall be received in any Case until after the Court shall have found the Prisoner guilty of the Offence for which he shall be so under Trial, and then only for the Purpose of fixing Punishment; and provided that in all Cases previous Notice shall have been given to the Offender of the Intention to produce such Evidence at his Trial; and provided also, that before such Evidence shall be received it shall be shown to the Satisfaction of the Court that such Notice had been duly given to him, and the Court shall in no Case award to him any greater or other Punishment than may by this Act or by the Articles of War be awarded for the Crime for which he shall be under Trial.

Apprehension of Deserters.

XXIX. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with to secure him, then for any Officer, Marine, or other Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who shall examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that any Person brought before him is a Marine unlawfully absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient public Prison in the same or any next adjoining County, or in case such Deserter shall be apprehended in the Vicinity of any Military Prison, to the Governor or Provost Marshal of such Prison, and shall transmit an Account thereof, in the Form prescribed for that Purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a Description of the Person of such Deserter, and the Name of the Division to which he shall belong, and also certifying the Names of the Persons by whom the Deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall be satisfied such last-mentioned Persons are justly entitled to a Reward for such Apprehension, the said Secretary shall in return transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Persons so certified to be entitled thereto; which Reward shall be paid and charged against the Pay and Subsistence of any such Deserter, and stopped out of the same; or if such Deserter shall be apprehended by any Soldier or Party of Soldiers of his own or any other Corps, or shall be apprehended in the Vicinity of the Head Quarters of the Corps to which he shall belong, then such Justice shall deliver such Deserter to the Party of his Corps, or may order him to be taken to the Head Quarters of the Corps, instead of committing him to Prison; and for every such Information, Commitment, and Report as aforesaid the Clerk of the said Justice may be entitled to a Fee of Two Shillings and no more, which shall also be

charged against and stopped out of the Pay of the Deserter; and every Gaoler or other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, notify the Fact to the said Secretary, and transmit also to the said Secretary a Copy of the Commitment.

Fraudulent Confession of Desertion.

XXX. And be it enacted, That any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces, or who, while serving in any of Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, shall, to any Officer or Non-commissioned Officer thereof, confess himself to be a Deserter as aforesaid, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps as unserviceable or by Sentence of Court-martial, or shall be incapable of Service, he shall on Conviction thereof before Two Justices of the Peace be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and, if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition, and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, as the Case may be, shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter,

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

serter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Reward for apprehending Marines attempting to desert.

XXXI. And whereas it has been judged expedient, for the Prevention of Desertion, to establish Outlying Parties in the Vicinity of the respective Divisions of Royal Marines, for the Purpose of intercepting such Men as may straggle or attempt to desert from Head Quarters, and it is fit that Encouragement should be given to Persons composing such Parties to be diligent and active in their Duty in this Behalf; be it therefore enacted, That for and in respect of every Marine so straggling or attempting to desert, who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine; which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine, in like Manner as the Reward or Sum of Twenty Shillings is herein-before directed to be charged against, stopped, and retained out of the Pay and Subsistence of every Deserter.

Penalty for inducing or assisting to desert.

XXXII. And be it enacted, That every Person who shall in any Part of Her Majesty's Dominions directly or indirectly persuade any Marine to desert, or shall assist any Deserter from Her Majesty's Royal Marine Service in deserting, or in concealing himself from such Service, knowing him to be such Deserter, shall forfeit for every such Offence the Sum of Twenty Pounds.

Custody and Subsistence of Deserters.

XXXIII. And be it enacted, That the Gaoler or other Person having the immediate Superintendence of any Prison, Gaol, House of Correction, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine in his Custody with Fuel and other Necessaries according to the Regulations of the Prison or Place of Confinement to which he shall be so committed, and shall receive on account of every such Marine, during his Imprisonment, Sixpence *per Diem* for his Subsistence, to be issued out of the Pay of such Marine, upon Application in Writing to the Secretary of the Admiralty, signed by any Justice within whose Jurisdiction such Prison shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison or Place

Place of Confinement is defrayed; and all Gaolers and Keepers of Prisons and Places of Confinement shall and they are hereby authorized and required to receive and confine every Deserter from the Royal Marines who shall be delivered into their Charge by any Officer, Soldier, or Marine conveying any such Deserter under lawful Authority, on the Production of the Warrant or Authority on which such Deserter shall have been taken or detained; and every Gaoler or Keeper so receiving a Deserter shall be entitled to One Shilling for the safe Custody of him while halted on the March, and to such daily Subsistence as is herein-before provided for the Maintenance of Marines confined under any Sentence or otherwise.

Notice of Expiration of Imprisonment.

XXXIV. And be it enacted, That every Gaoler, or Person having the immediate Inspection of any Prison, Gaol, House of Correction, or other Place of Confinement, having Notice, or who shall have Reason to believe or to know, that any Person in his Custody is a Marine, liable to serve Her Majesty, shall, on receiving him into Custody, and also previous to the Expiration of the Period of the Imprisonment of such Marine, give One Month's Notice, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary of the Admiralty.

Penalty for forcible Entry.

XXXV. And be it enacted, That every Marine Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Enlisting and swearing of Recruits.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billetted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Four Days (any intervening *Sunday* not included) but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice residing in the Vicinity of the Place, and acting for the Division or District where such Recruit shall have

been enlisted, and not being an Officer in the Marines; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk to read over, to such Recruit the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

XXXVII. And be it enacted, That any Recruit appearing within Four Days as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to his Enlistment, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice; and it shall also be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, provided it shall appear to such Justice upon Proof to his Satisfaction that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto, and demanding the same: Provided always, that no Recruit who has actually though erroneously been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

XXXVIII. And be it enacted, That any Person duly bound as an Apprentice, who shall enlist into Her Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences, and shall after the Expiration of his Apprenticeship,

prenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits may be taken as a Deserter from Her Majesty's Royal Marine Forces.

No Apprentice claimed by his Master shall be taken away without a Warrant.

XXXIX. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to and a Copy left with the Officer under whose Command the Apprentice shall then be, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer, shall commit the Offender to the Common Gaol of the said Place where the Apprentice shall be apprehended, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or next succeeding General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; and any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master: Provided always, that every Apprentice who shall enlist into the Royal Marines during the Period of his Apprenticeship shall be deemed guilty of a Misdemeanor, and upon Conviction be liable to the same Punishment as Offenders convicted of obtaining Money under false Pretences are liable to; and every such Apprentice shall after the Expiration of his Apprenticeship, whether he shall have been prosecuted or not, be liable to serve in Her Majesty's Royal Marine Forces; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits he may be apprehended as a Deserter from Her Majesty's Marine Forces.

Punishment of Apprentices enlisting.

Offences connected with Enlistment.

XL. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit

Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Royal Marine Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into a Garrison or Veteran or Invalid Battalion, and shall be entitled to receive such Proportion or Residue of Bounty only as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may allow in that Behalf instead of the Bounty upon which such Man shall have been enlisted, any Act or any Rules and Regulations to the contrary notwithstanding; and it shall be lawful for any Two Justices when any such Recruit shall be brought, and shall be proved upon Oath before them to have wilfully concealed his having been a Marine or Soldier and discharged, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall thereby obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled 7 & 8 G. 4. c. 29.

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9 G. 4. c. 55. *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith;* and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marines, or Ordnance, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man who having been enrolled to serve in the Militia, and who at the Time of offering to enlist into the Marines shall deny that he is a Militia Man, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

Yearly Servants enlisting to be entitled to a Proportion of their Wages.

XLI. And be it enacted, That it shall be lawful for the Justice before whom any Recruit (being a hired Servant) shall be attested before the Expiration of the Term of Service for which he shall have been hired, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he shall have actually served, to be forthwith paid by the Master, upon whom the said Justice shall make an Order accordingly, and if the same be not paid within Four Days shall enforce the Payment thereof by the same Means as pecuniary Penalties may under this Act be recovered before a Justice.

Penalty on Officers offending as to Enlistment.

XLII. And be it enacted, That every Marine Officer who shall designedly act contrary to the Provisions of this Act, in any respect regarding the enlisting and attesting of Recruits for Her Majesty's

Service, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Claims of Masters to Apprentices.

XLIII. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take and subscribe the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen when so bound,) and, if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract of Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Musters, and Penalty on false Musters.

XLIV. And be it enacted, That Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate, thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall willingly allow or sign any false Muster

 or

or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of Her Majesty; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belong to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Verifying of Muster Rolls.

XLV. And be it enacted, That all Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Extension of Furlough in case of Sickness.

XLVI. And be it enacted, That when there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice, who shall be satisfied of such Necessity, to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marching Money on Discharge.

XLVII. And be it enacted, That every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire,

before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Billetting of Marines.

XLVIII. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore; be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, it shall be lawful for all Constables and other Persons specified in this Act in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, (not exceeding for each Officer the Number for which Forage is allowed by Her Majesty's Regulations,) in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished with proper Accommodation in such Houses, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Times when Marines are on a March shall any of them be billetted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billetted in pursuance of this Act the Officers and their Horses shall be billetted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situate: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billetted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billetted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices within whose Jurisdiction such Marines are billetted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billetted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billetted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables

Stables by this Act liable to have Officers and Marines billetted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billetted in any Place with another Man or Horse billetted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billetted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided always, that to prevent or punish all Abuses in billetting Marines it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billetted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful for Constables to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England;* and no Officer shall be obliged to pay for his Lodging where he shall be regularly billetted, except in the Suburbs of *Edinburgh:* Provided always, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billetting or appointing Quarters under this Act.

Allowance to Innkeepers.

XLIX. And be it enacted, That the Innholder or other Person on whom any Marine is billetted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other Persons on whom Marines may be billetted in *England* (except on the March, when they are entitled to be furnished with the hot Meal as aforesaid,) shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billetted, in *England,*

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for Hay and Straw, shall be Nine-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billetted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland,* when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billetted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who shall actually receive the Pay and Subsistence of the said Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billetted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same, then, upon Complaint and Oath made thereof by any Two Witnesses at the next Quarter Sessions for the County or City where such Quarters are situate, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to the Complainant, to order Payment of the Amount, which shall be charged against such Officer; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of the Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billetted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid and charged to the Officer's Account.

Supply of Carriages.

L. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *England* and *Ireland,* all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, shall, on the Production of such Order to them, or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who

are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for Carriages.

LI. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Six-pence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and one other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper

proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatsoever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

LII. And be it enacted, That it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision,

Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

Justices of Peace to direct Payment of Sums expended for Carriages, &c.

LIII. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

LIV. And be it enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's Royal Marine Forces in *Ireland* in the Name of such Lord Lieutenant or Chief Governor.

Exemption from Tolls.

LV. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, but not when passing in any private or hired Vehicle, and all Recruits marching by Route, and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when employed in conveying Persons or Baggage, or returning therefrom, shall

shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service, when conveying Persons or Baggage under the Provisions of this Act, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LVI. And be it enacted, That if any Constable or other Person who by virtue of this Act shall be employed in billetting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate

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established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty upon Officers of Marines so offending.

LVII. And be it enacted, That if any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do any thing contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken any Money or Reward of any Person for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House, against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds or less than Forty Shillings.

Penalty for purchasing Clothes, &c. from any Marine.

LVIII. And be it enacted, That any Person who shall detain, buy, or exchange, or otherwise receive from any Marine, or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which,

according

according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description hereinbefore described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

Penalty on Officers killing Game.

LIX. And for the better Preservation of the Game and Fish in or near such Place where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Officers not liable to take Parish Apprentices.

LX. And be it enacted, That no Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall

shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Mode of recording a Marine's Settlement.

LXI. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered on shore, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required.

Administration of Oaths.

Perjury.

LXII. And be it enacted, That all Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Licences of Canteens.

LXIII. And be it enacted, That it shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such Exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Limitation of Actions.

LXIV. And be it enacted, That if any Action shall be brought against any Member or Minister of a Court-martial to be assembled under the Authority of this Act, in respect of the Proceedings or the Sentence thereof, or against any other Person for any thing done in pursuance or under the Authority of this Act, the same shall

be, brought in some one of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

LXV. And be it enacted, That all Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*, and by another Act passed in the Fifth Year of the Reign of His said Majesty, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied in *Scotland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

3 G. 4. c. 23.

5 G. 4. c. 18.

Appropriation of Penalties.

LXVI. And be it enacted, That One Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct; any thing in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days thereafter at the furthest, report the same and his Adjudication thereof to the Secretary of the Admiralty.

5 & 6 W. 4. c. 76.

Definition of Terms.

LXVII. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables, and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*; and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers, and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Provisions for billetting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billetted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billetted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit

Marines not to be billetted in private Houses, &c.

Tippling in such Houses; nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly credited as such.

Notification to Parishes of good or bad Conduct of Marines.

LXVIII. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Marines to be subject to the Discipline of the Navy while on board Ship.

LXIX. And it is hereby declared and enacted, That all Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships shall commit on shore any Offence for which he shall not be amenable to a Naval Court-martial or to Naval Discipline, he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

Duration of Act.

LXX. And be it enacted, That this Act shall continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and forty-five until the Twenty-fifth Day of *April* One thousand eight hundred and forty-six inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and forty-five until the First Day of *May* One thousand eight hundred and forty-six inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and forty-five

five until the Twenty-fifth Day of *July* One thousand eight hundred and forty-six inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America* and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and forty-five until the Twenty-fifth Day of *September* One thousand eight hundred and forty-six inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and forty-five until the Twenty-fifth Day of *November* One thousand eight hundred and forty-six inclusive.

Act may be amended.

LXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULE to which this Act refers.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will truly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and, if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.

So help me GOD.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces until you shall be legally discharged?

9. On what Day, at what Hour of the Day, and where and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
13. Have you served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
14. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Justice is directed first to ascertain that Twenty-four Hours have elapsed since the Enlistment took place, and in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

OATH to be taken by a RECRUIT enlisting.

I do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand

_____ Signature of the Recruit.

_____ Witness present.

Sworn before me at this Day of One thousand eight hundred and at o'Clock.

_____ Signature of the Justice.

CERTIFICATE to be given by the Justice.

Description of

Age, appae ntly
Height, Feet Inches.
Complexion,
Eyes,
Hair,
Any distinctive Mark.

to wit. I of one of Her Majesty's Justices of the Peace do hereby certify, That the above is the Description of the Recruit ; and in my Presence all

all the foregoing Questions were put to the said ; that the Answers written opposite to them are those which he gave to me; and that the Fifth and Eleventh Articles of the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces while on shore, against Mutiny and Desertion, were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; and that I have given him a Duplicate of this Certificate signed with my Name.

Signature of the Justice.

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and .

Sworn before me at this Day of One thousand eight hundred and

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FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. I one of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent; and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

DESCRIPTION

DESCRIPTION RETURN of committed to Confinement at on the Day of as a Deserter from the Royal Marines.

Age	
Height	Feet. Inches.
Complexion	
Hair	
Eyes	
Marks	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place	
† Name and Occupation and Address of the Person by whom apprehended	
† Particulars in the Evidence on which the Prisoner is committed	
† Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter	
† Whether the Prisoner confessed before the Magistrate that he is a Deserter	

† It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate, in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he * a Deserter from the above-mentioned Corps.

———— *Signature and Address of Magistrate.*
———— *Signature of Prisoner.*
———— *Signature of Informant.*

* Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him * for Military Service.

———— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

* Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

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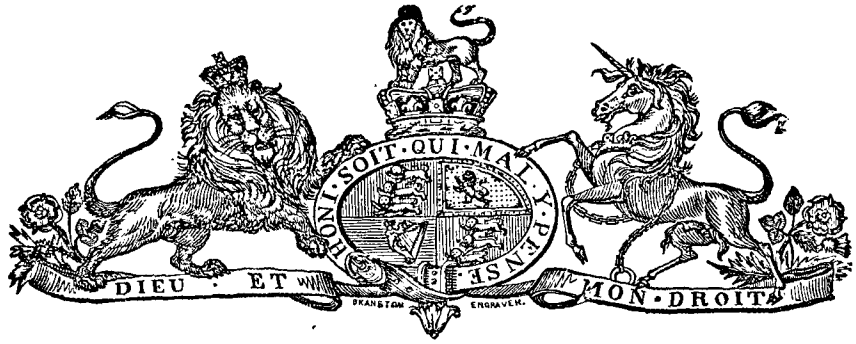

ANNO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. X.

An Act to make certain Provisions for Proceedings in Bastardy. [8th *May* 1845.]

WHEREAS divers Questions have been raised as to the Validity of certain Orders in Bastardy made by Justices under the Act of the last Session of Parliament, intituled *An Act for the further Amendment of the Laws relating to the Poor in* England, which Questions are wholly beside the Merits of the Cases; and it is desirable to remove such Questions, and to prevent the Recurrence of the same or similar Questions in future: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Proceedings have been had or taken before the passing of this Act, or shall hereafter be had or taken in Matters of Bastardy under the Provisions of the said recited Act, and shall have been set forth according to the Forms in the Schedule hereunto annexed, or to the like Tenor or Effect, the same shall be taken respectively to have been and to be valid and sufficient in Law; provided that nothing herein contained shall prevent any Court of General Quarter Sessions from proceeding to hear and determine the Merits of any Case brought before them on Appeal against any such Order, or apply to any Order heretofore made or professed to have been made under

7 & 8 Vict. c. 101.

Proceedings in Bastardy according to the Forms in the Schedule hereto valid.

under the said Act, which shall have been quashed on Appeal to any General Quarter Session of the Peace, or in respect whereof any Writ of Certiorari shall have been sued out of the Court of Queen's Bench, and served before the Twenty-sixth Day of *February* last, or in place whereof any other Order shall have been made.

Mother, when Order has been quashed for Defect in Form, may apply again within Six Calendar Months.

II. And be it enacted, That when any Order made under the Provision of the said Act prior to the passing of this Act shall have been or shall be quashed for any Defect therein, and not upon the Merits, it shall be lawful for the Mother of the Bastard Child in whose Favour such Order shall have been made to take Proceedings for the obtaining of another Order, according to the Provisions of the said Act, at any Time within the Space of Six Calendar Months after the passing of this Act, although the Period limited for her Application to the Justice under the said Act shall have expired.

Form of Recognizance to be given by the putative Father.

III. And whereas Power is given by the said Act to the putative Father to appeal against an Order made upon him by the Justices in Petty Session assembled, giving Notice of Appeal as therein specified, and also sufficient Security, by Recognizance or otherwise, for the Payment of Costs, to the Satisfaction of some One Justice of the Peace; be it enacted, That the Condition of any such Recognizance shall be for the Appearance of the said putative Father at such General Quarter Session of the Peace as is required by the said Act, and his Trial of the Appeal thereat, and the Payment of such Costs as he shall be then and there ordered to pay; and that in respect of any Order to be made after the passing of this Act the Party entering into any such Recognizance shall forthwith give or send a Notice in Writing of his having so entered into such Recognizance to the Woman in whose Favour the said Order shall have been made, and unless he shall enter into the Recognizance before One of the Justices who shall have made the Order, to One at least of such Justices; and in default of his giving or sending such Notice or Notices as aforesaid the Appeal shall not be allowed; provided that the sending of such Notice or Notices by the Post shall be taken to be sufficient.

Provision as to the Mode of Proceeding in Cases of Applications by Women who are pregnant.

IV. And whereas it is enacted by the said Act, that any single Woman who may be with Child may apply to a Justice of the Peace as therein described for a Summons to be served upon the Man alleged by her to be the Father of such Child, and that such Justice shall thereupon issue his Summons to such Man to appear at a Petty Session, as therein also set forth, and Power is given to such Woman after the Birth of the Child to apply to the Justices at such Petty Session for an Order upon the Person so alleged by her to be the Father of such Child; but Doubts are entertained as to the Time which shall be fixed by such Justice for the Appearance of the said Man so summoned at Petty Session, and it is desirable to remove the same: Be it therefore enacted, That the said Justice to whom any Application shall be made by any such Woman being pregnant shall summon the Man to appear at some Petty Session at which he usually acts to be held on a Day after the Time when the said Mother shall expect the Child to be born, provided that if on such Day the Woman shall not have been delivered, or the Justices shall be

be satisfied that she has been delivered at so short a Period before such Day that she cannot appear at the said Session, it shall be lawful for the Justices thereat to adjourn the hearing of the said Case until some other Day, and so from Time to Time until the Child shall have been born, and the Woman shall be able to attend at the said Session; and it shall be lawful for the Justices at their Petty Session to make an Order in respect of any such Application so made by such Woman so pregnant to a Justice as aforesaid, if she apply at such Petty Session within the Space of Two Calendar Months from the Birth of the Child, although more than Forty Days shall have elapsed from the Time when the Summons was served upon the alleged Father, or was left at his last Place of Abode.

Putative Father may abandon his Appeal, and his Recognizance shall not be estreated.

V. And be it enacted, That if at any Time before the hearing of the Appeal the putative Father who shall have entered into any such Recognizance shall give Notice in Writing of his Abandonment of the Appeal, to the Mother of the Child in whose Favour the Order shall have been made, and to the Justice or Justices before whom the said Recognizance shall have been taken, and shall pay or tender to the said Mother all Sums then due under the said Order, and such Costs and Expences as she shall have incurred by reason of such Notice of Appeal, the said Recognizance so entered into by the said putative Father shall not be estreated, nor in any manner put in force or otherwise proceeded with.

The Mother of the Bastard Child to be examined by the Court of Quarter Sessions, on Appeal against the Order in Bastardy; but no Order to be confirmed unless her Evidence is corroborated.

VI. And whereas by the said recited Act it is enacted, that where any Woman shall apply to the Justices at a Petty Session for an Order upon the Person whom she shall allege to be the Father of her Bastard Child, such Justices shall hear the Evidence of such Woman, and such other Evidence as she may produce, and shall also hear any Evidence tendered by or on behalf of the Person alleged to be the Father, and if the Evidence of the said Mother be corroborated in some material Particular by other Testimony, to the Satisfaction of the said Justices, they may make such Order as is therein set forth: And whereas Power is thereby given to the putative Father to appeal to the General Quarter Sessions of the Peace against such Order, but it is not therein set forth what Evidence the said General Quarter Sessions shall or may hear on the Trial of such Appeal, and Doubts have been raised as to whether the said Mother can be heard by the said Court of Quarter Sessions; be it therefore enacted, That on the Trial of any such Appeal before any Court of Quarter Sessions the Justices therein assembled, or the Recorder, (as the Case may be,) shall hear the Evidence of the said Mother, and such other Evidence as she may produce, and any Evidence tendered on behalf of the Appellant, and proceed to hear and determine the said Appeal in other respects according to Law, but shall not confirm the Order so appealed against unless the Evidence of the said Mother shall have been corroborated in some material Particular by other Testimony, to the Satisfaction of the said Justices in Quarter Session assembled, or the said Recorder.

Parties may be heard at the Petty

VII. And be it enacted, That it shall be lawful for any Woman who shall apply to the Justices at any Petty Session for any such Order as

Session by Counsel or Attorney. 6 & 7 W. 4. c. 114.

as aforesaid to be assisted in her Application by Counsel or Attorney, and for any Person summoned under the said Act to appear at any such Petty Session as the alleged putative Father to appear and make his Answer thereto by Counsel or Attorney; and it shall be lawful for either of such Parties to have all Witnesses examined and cross-examined by such Counsel or Attorney.

Default of sufficient Distress within the Jurisdiction of the Justices to warrant the Commitment to Prison.

VIII. And whereas it is provided in the said first-recited Act, that if Default be made by the putative Father in Payment of the Sums ordered to be paid to the Mother of a Bastard Child, any Justice may by Warrant cause such putative Father to be brought before any Two Justices; and it is further provided, that such Two Justices may by Warrant direct the Sum appearing to be due under any such Order, and the Costs, to be recovered by Distress and Sale of the Goods and Chattels of such putative Father; and if upon the Return of such Warrant, or if, by the Admission of such putative Father, it appears that no sufficient Distress can be had, then any such Two Justices may cause such putative Father to be committed to Prison: And whereas Doubts have been entertained whether such Power of Committal exists where it is shown that the putative Father has Goods and Chattels whereon a Distress might be levied, but the same are not within the Jurisdiction of such Justices: Be it therefore declared and enacted, That the said Justices are and shall be empowered to commit any such putative Father to Prison, according to the Provisions of the said Act, if it appear on the Return of such Distress Warrant, or on the Admission of the putative Father, that no sufficient Distress can be had on any Goods and Chattels within the Jurisdiction of the Justices before whom he shall have been brought on such Warrant of Apprehension.

5 G. 4. c. 18.

Magistrates of Police Courts may act alone in Cases of Bastardy.

IX. And be it declared and enacted, That any one Magistrate of the Police Courts of the Metropolis, sitting at a Police Court within the Metropolitan Police District, has and shall have full Power to issue Summonses for the Appearance of Parties and Witnesses before such Police Court, and to do alone any other Thing in any Matter of Bastardy arising under the said Act, within those Parts of the said District for which a Police Court has been or shall be established, which may be done by any Justices at a Petty Session holden for their several Petty Sessional Divisions in any such Matter arising within their Divisions respectively, and that the Sitting of such Magistrate at such Police Court shall be within all the Provisions of the said Act and of this Act concerning a Petty Session of Justices.

"Petty Sessional Division," what to include.

X. And be it enacted, That the Term "Petty Sessional Division" in the said Act and this Act shall be taken to include any Division of a County, Riding, or Division having a separate Commission of the Peace in which One or more Petty Sessions have been or shall be usually held, or any Division for the holding of Special Sessions formed or to be formed under the Provisions of the Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Regulation of Divisions in the several Counties of* England *and* Wales, or of the Act of the Sixth Year of

9 G. 4. c. 43.

the Reign of His late Majesty amending the same; and that where there are Two or more Petty Sessions usually held in any such Division, or where any Justice acts for Two or more of such Divisions, he shall require the Party whom he shall summon under the Authority of the said first-recited Act to appear at the Petty Session to be held in any such Division, as he shall deem fit.

Interpretation of the Word "Recorder."

XI. And be it enacted, That in the said first-recited Act and in this Act the Word "Recorder" shall be taken to apply to any Person who shall preside as the Judge at any Court of General or Quarter Session held for any City, Borough, Liberty, or other Place of limited Jurisdiction.

Act may be amended this Session.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE referred to by the foregoing Act.

No. 1.

Form of Application by Woman with Child.

} APPLICATION and Deposition of a single Woman,
to wit. } residing at in the *County* (a) of
taken upon Oath before me, the undersigned One of Her Majesty's Justices of the Peace acting for the (a) *Petty Sessional Division of in the said County* of in which she resides, this Day of in the Year of our Lord One thousand eight hundred and forty who upon her *Oath* (b) saith, that she is now with Child, and that of in the County of is the Father of the Child with which she is now pregnant, and maketh Application for a Summons to be served upon the said so alleged by her to be the Father of the said Child, to appear at a Petty Session to be holden after the Birth of such Child for the *Petty Sessional Division* (a) of in which I usually act, to answer such Complaint as she shall then and there make touching the Premises.

Exhibited and sworn before me, the Day and Year first above written. }

(a) *or* City, Borough, *or other Place* (b) *or* Affirmation

No. 2.

Form of Summons on Application by Woman with Child.

} To of the Parish of in the
to wit. } County of

WHEREAS an Application hath been made to me, the undersigned, One of Her Majesty's Justices of the Peace for the (a) *County* of by , single Woman, residing at in the (a) *Petty Sessional Division of the said County* for which I act, now with Child, of which Child she hath this Day duly *sworn on Oath* (b) before me the said Justice that you are the Father, for a Summons to be served on you to appear at a Petty Session, according to the Form of the Statute in such Case made and provided.

These are therefore to require you to appear at the Petty Session of the Justices holden at being the Petty Session for the *Division* (a) in which I usually act, on (c) the Day of at in the Year of our Lord One thousand eight hundred and forty , to answer any

(a) *or* City, Borough, *or other Place* (b) *or* affirmed

(c) *Insert some Day when the Petty Session will be held after the Birth of the Child, and at such a Distance of Time that Six Days at least may elapse after the issuing of the Summons and the Service on the Man, or at his Place of Abode, before the Petty Session.*

Com-

Complaint which she shall then and there make against you touching the Premises.

Herein fail you not.

Given under my Hand, at in the *County* (a) this Day of in the Year of our Lord One thousand eight hundred and forty .

Note.—If you neglect to appear at the Petty Sessions as above stated, the Justices, upon Proof that this Summons has been duly served upon you, or left at your last Place of Abode, may proceed, if they think fit, at the Petty Sessions therein named, to make an Order upon you, as the putative Father of the Child above referred to, to pay a weekly Sum to the said Mother for its Maintenance, and other Sums for Costs and Expences.

(a) *or* City, Borough, *or other Place*

No. 3.

Application for a Summons by a Woman after Birth.

} THE Information and Application of
to wit. } single Woman, residing at in the County of
before me, the undersigned One of Her Majesty's Justices of the Peace acting for the (a) *Petty Sessional Division of in the said County* of in which she resides, this Day of in the Year of our Lord One thousand eight hundred and forty , who saith, that she hath been delivered of a Bastard Child since the passing of the Act of the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," and within Twelve Calendar Months before this Day, to wit, on the Day of in the Year of our Lord One thousand eight hundred and forty and alleges that one of in the County of is the Father of such Child, and maketh Application to me for a Summons to be served upon the said to appear at a Petty Session to be holden for the *Petty Sessional Division* (a) in which I usually act, to answer such Complaint as she shall then and there make touching the Premises.

Exhibited before me, the Day and Year first above written. }

(a) *or* City, Borough, *or other Place, as the Case may be.*

No. 4.

Summons where the Application is made by Woman after Birth.

} To of the Parish of
to wit. } in the County of .

WHEREAS Application hath been this Day made to me, the undersigned, One of Her Majesty's Justices of the Peace for the (a) of by single Woman, residing at in the (b) *Petty Sessional Division of the said County* for which I act, who hath been delivered of a Bastard Child since the passing of the Act of the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," within Twelve Calendar Months from the Date hereof, and of which Bastard Child she alleges you to be the Father, for a Summons to be served upon you to appear at a Petty Session of the Peace, according to the Form of the Statute in such Case made and provided.

These are therefore to require you to appear at the Petty Session of the Justices holden at being the Petty Session for the

(a) *or* County, City, *or* Borough, *or other Place, as the Case may be.*
(b) *or* City, Borough, *or other Place*

Division

Division (b) in which I usually act, on (c) the Day of at of the Clock in the noon in the Year of our Lord One thousand eight hundred and forty to answer any Complaint which she shall then and there make against you touching the Premises.

Herein fail you not.

Given under my Hand, at in the *County* (b) this Day of in the Year of our Lord One thousand eight hundred and forty .

Note.—If you neglect to appear at the Petty Sessions as above stated, the Justices, upon Proof that this Summons has been duly served upon you, or left at your last Place of Abode, may proceed, if they think fit, to make an Order upon you, as the putative Father of the Child above referred to, to pay a weekly Sum to the said Mother for its Maintenance, and other Sums for Costs and Expences.

(b) *or* City, Borough, *or other Place*

(c) *Insert some Day, at least Six Days after the Date of the Summons, and after the Day when the same can be served upon the Man, or at his Place of Abode.*

No. 5.

Application for a Summons by a Woman after Birth, where the alleged Father has paid Money within Twelve Months after the Birth.

} The Information and Application of
. to wit. } single Woman, residing at in the County of
before me, the undersigned One of Her Majesty's Justices of the Peace acting for the (a) *Petty Sessional Division of* *in the said County* of in which she resides, this Day of in the Year of our Lord One thousand eight hundred and forty who saith that she hath been delivered of a Bastard Child more than Twelve Calendar Months before this Day, to wit, on the Day of in the Year of our Lord One thousand eight hundred and forty and alleges that one of in the County of is the Father of such Child, and having given Proof to me that the said did within the Twelve Calendar Months next after the Birth of such Child pay Money for its Maintenance, maketh Application to me for a Summons to be served upon the said to appear at a Petty Session to be holden for the *Petty Sessional Division* (a) in which I usually act, to answer such Complaint as she shall then and there make touching the Premises.

Exhibited before me, the Day and Year first above written.

(a) *or* City, Borough, *or other Place, as the Case may be.*

No. 6.

Summons when the Application is made by a Woman after Birth, where the alleged Father has paid Money within Twelve Months after the Birth.

} To of the Parish of in the
to wit. } County of .

Whereas Application hath been this Day made to me, the undersigned, One of Her Majesty's Justices of the Peace for the (a) of by single Woman, residing at in the (b) *Petty Sessional Division of the said County* for which I act, who hath been delivered of a Bastard Child more than Twelve Calendar Months before this Day, of which Bastard Child she alleges you to be the Father, and

(a) *or* County, City, Borough, *or* other Place, *as the Case may be.*

(b) *or* City, Borough, *or other Place*

for

for the Maintenance whereof she hath given me Proof that you did within the Twelve Calendar Months next after its Birth pay Money, for a Summons to be served upon you to appear at a Petty Sessions of the Peace, according to the Form of the Statute in such Case made and provided.

These are therefore to require you to appear at the Petty Session of the Justices holden at being the Petty Session for the *Division* (h) in which I usually act, on (c) the Day of at of the Clock in the noon in the Year of our Lord One thousand eight hundred and forty to answer any Complaint which she shall then and there make against you touching the Premises.

Herein fail you not.

Given under my Hand, at in the *County* (b) this Day of in the Year of our Lord One thousand eight hundred and forty .

Note.—If you neglect to appear at the Petty Sessions, as above stated, the Justices, upon Proof that this Summons has been duly served upon you, or left at your last Place of Abode, may proceed, if they think fit, to make an Order upon you, as the putative Father of the Child above referred to, to pay a weekly Sum to the said Mother for its Maintenance, and other Sums for Costs and Expences.

(b) *or* City, Borough, *or other Place*

(c) *Insert some Day, at least Six Days after the Date of the Summons, and after the Day when the same can be served upon the Man, or at his Place of Abode.*

No. 7.

Form of Order when Application was made by a Woman with Child.

} At a Petty Session of Her Majesty's Justices of the Peace for the
to wit. } *County* (a) of holden in and for the
(a) *Division* of in the said *County* (a), at
on the Day of in the Year of our Lord One thousand eight hundred and forty before us Her Majesty's Justices of the Peace for the said (a) *County*.

WHEREAS one single Woman, residing at within this (a) *Division*, being with Child, did on the Day of in the Year of our Lord One thousand eight hundred and forty make Application to One of Her Majesty's Justices of the Peace acting for this (a) *Division*, for a Summons to be served upon one of the Parish of in the *County* (a) of whom she, *being duly sworn* before the said *upon her Oath stated* (b) to be the Father of the Child with which she was then pregnant; and the said Justice thereupon issued his Summons to the said to appear at a Petty Session to be holden on this Day for this *Division* (a) in which the said Justice usually acts, to answer her Complaint touching the Premises: And whereas the said hath been lately delivered of a Bastard Child: And whereas the said having been duly served with the said Summons, *and appearing in pursuance thereof* (d) ; and the said having now applied to us, the Justices in Petty Session assembled, for an Order upon the said according to the Form of the Statute in such Case made and provided; and it being now proved to us, *in*

(a) *or* City, Borough, *or other Place, as the Case may be.* (b) *or affirmed*

(d) *Insert here, if the Defendant do not appear,* "Six Days at least before this Day, as is now proved before us," *or* "the same having been left at his last Place of Abode Six Days at least before this Day, as is now proved before us," *and erase the Words in Italics.*

the Presence and Hearing of the said (e) that the said Child was, since the passing of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," that is to say, on the Day of in the Year of our Lord One thousand eight hundred and forty born a Bastard of the Body of the said ; and we having, *in the Presence and Hearing of the said* (e) heard the Evidence of such Woman and such other Evidence as she hath produced, *and having also heard all the Evidence tendered by* (f) *the said* and the Evidence of the said the Mother of the said Child, having been corroborated in some material Particular by other Testimony to our Satisfaction, Do hereby adjudge the said to be the putative Father of the said Bastard Child; and, having regard to all the Circumstances of this Case, we do now hereby order, That the said do pay unto the said the Mother of the said Bastard Child, so long as she shall live and shall be of sound Mind, and shall not be in any Gaol or Prison, or under Sentence of Transportation, or to the Person who may be appointed to have the Custody of such Child under the Provisions of the said Statute, *the Sum of* (g) *per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks* the Sum of (h) per Week until the said Child shall attain the Age of Thirteen Years, or shall die, or the said shall marry: And we do hereby further order the said to pay to the said the Sum of being the Costs incurred in obtaining this Order. (i)

Given under our Hands and Seals, at the Session aforesaid.

(e) *Should the Defendant not appear, erase the Words in Italics.*

(f) *Should the Defendant appear by Attorney or Counsel, it will be then only necessary to erase the Word* "by" *and add* "on behalf of"; *but should he not appear himself, or by Attorney or Counsel, then erase the Words in Italics.*

(g) *Not to exceed Five Shillings. If the Justices decline to allow the Payment, from the Birth, of any Sum, erase the Words in Italics, and before the Word* "until" *insert the Time from which Payment is to be made, according to their Judgment.*

(h) *Not to exceed Two Shillings and Sixpence.*

(i) *If the Justices should decide upon allowing such Expences, insert here,* "and the Sum of Ten Shillings for the Midwife."

No. 8.

Form of Order when Application was made by a Woman after Birth.

to wit. } At a Petty Session of Her Majesty's Justices of the Peace for the *County* (a) of holden in and for the (a) *Division* of in the said (a) *County*, at on the Day of in the Year of our Lord One thousand eight hundred and forty before us Her Majesty's Justices of the Peace for the said (a) *County*.

WHEREAS one single Woman, residing at within this (a) *Division* did, on the Day of in the Year of our Lord One thousand eight hundred and forty having been delivered of a Bastard Child *within* Twelve Calendar Months prior thereto, make Application to One of Her Majesty's Justices of the Peace acting for this (a) *Division*, for a Summons to be served upon one of whom she alleged to be the Father of the said Child (b); and the said Justice thereupon issued his Summons to the said to appear at a Petty Session to be holden on this

(a) *or* City, Borough, *or other Place, as the Case may be.*

(b) *When the Application is made after the Expiration of Twelve Months from the Birth, but the alleged Father has paid Money for the Maintenance of the Child, for the Word* "within" *substitute the Words* "more than"; *and after the Word* "Child" *insert* "and who was proved before the said Justice to have paid Money for the Maintenance of the said Child within Twelve Calendar Months after its Birth;"

Day

Day for this ([a]) *Division* in which the said Justice usually acts, to answer her Complaint touching the Premises:

And whereas the said having been duly served with the said Summons within Forty Days from *this Day* ([c]) ([d]) *and now appearing in pursuance thereof* and the said having now applied to us the Justices in Petty Session assembled, for an Order upon the said according to the Form of the Statute in such Case made and provided; and it being now proved to us, *in the Presence and Hearing of the said* ([e]) that the said Child was, *since* ([f]) the passing of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," (that is to say) on the Day of in the Year of our Lord One thousand eight hundred and forty , born a Bastard of the Body of the said ; and we having, *in the Presence and Hearing of the said* ([e]) heard the Evidence of such Woman and such other Evidence as she hath produced, *and having also heard all the Evidence tendered by* ([g]) *the said* and the Evidence of the said the Mother of the said Child, having been corroborated in some material Particular by other Testimony to our Satisfaction, Do hereby adjudge the said to be the putative Father of the said Bastard Child; and, having regard to all the Circumstances of this Case, we do now hereby order, That the said do pay unto the said the Mother of the said Bastard Child, so long as she shall live and shall be of sound Mind, and shall not be in any Gaol or Prison, or under Sentence of Transportation, or to the Person who may be appointed to have the Custody of such Bastard Child under the Provisions of the said Statute, the Sum of ([h]) *per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks the Sum of per Week* until the said Child shall attain the Age of Thirteen Years, or shall die, or the said shall marry: And we do hereby further order the said to pay to the said the Sum of being the Costs incurred in obtaining this Order. ([i])

Given under our Hands and Seals, at the Session aforesaid.

([a]) *or* City, Borough, *or other Place, as the Case may be.*

([c]) *If the Order be made at an adjourned Session, insert the Day of the Commencement of the Session, adding these Words,* "from which Day the hearing of this Case hath been adjourned," *and erase the Words* "this Day"

([d]) *If the Defendant do not appear, insert here,* "and Six Days at least before this Day, as is now proved before us," *or* "the same having been left at his last Place of Abode Six Days at least before this Day, as is now proved before us," *and erase the Words which follow in Italics.*

([e]) *Should the Defendant not appear, erase the Words in Italics.*

([f]) *or* within Six Calendar Months before

([g]) *Should the Defendant appear by Attorney or Counsel, it will be then only necessary to erase the Word* "by" *and add* "on behalf of"; *but should he not appear himself, or by Attorney or Counsel, then erase the Words in Italics.*

([h]) *Not to exceed Five Shillings. This larger Amount for the Six Weeks cannot be allowed, unless the Application has been made within Two Calendar Months after the Birth. If the Application has not been made within this Time, or the Justices do not think it right to allow that or any less Sum from the Birth, erase the Words in Italics, and proceed thus:* " per Week from the said Day of last, being the Day upon which such Application was made to the said Justice as aforesaid,"

([i]) *If the Justices should decide upon allowing such Expences, insert here,* "and the Sum of Ten Shillings for the Midwife."

No. 9.

Common Form of Recognizance, with the following Condition.

} WHEREAS by an Order under the Hands and Seals of
to wit. } assembled at a Petty Session of Her Majesty's Justices of the Peace for the ([a]) *County* of holden in and for the ([a]) *Division*

([a]) *or* City, Borough, *or other Place*

of

of *in the said County*, at on the Day of in the Year of our Lord One thousand eight hundred and forty the said was adjudged to be the putative Father of a Bastard Child, of which one had been then lately delivered,. and was ordered to pay to her certain Sums of Money therein set forth: And whereas the said hath given to the said Notice of his Intention to appeal against the said Order to the General Quarter Session of the Peace to be holden (b) on the Day of next, for the County of

Now the Condition of this Recognizance is such, that if the above-named do appear at the General Quarter Session of the Peace to be held at in and for the (a) *County* of on the Day of in the Year of our Lord One thousand eight hundred and forty and then and there try such Appeal, and pay such Costs as shall be by the said Court awarded, then this Recognizance to be void.

Taken and acknowledged this Day of in the Year of our Lord One thousand eight hundred and forty at in the *County of* (a) before me, the undersigned, One of Her Majesty's Justices of the Peace for the said *County*. (a)

(a) *or* City, Borough, *or other Place*

(b) *If the Notice of Appeal do not set out the Day on which the Quarter Session is to be holden, this Recital and the Condition must be altered accordingly.*

No. 10.

Information of the Mother on Disobedience to the Order.

to wit. } The Information and Complaint of of the Parish of in the *County* (a) of single Woman, taken upon *Oath* (b) before me One of Her Majesty's Justices of the Peace for the said *County* (a), the (c) Day of in the Year of our Lord One thousand eight hundred and forty who saith, that by an Order made under the Authority of the Statute passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," at the Petty Session holden in and for the *Division of* (a) *in the County of* (a) on the Day of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices of the Peace in and for the said *County* (a) acting for the said *Division* (a) then and there assembled, of in the County of was adjudged to be the putative Father of a Bastard Child, then lately born of her Body, and that in and by the said Order it was ordered that the said should pay to her the said so long as she should live or should be of sound Mind, and should not be in any Gaol or Prison, or under Sentence of Transportation, or to the Person who might be appointed to have the Custody of such Bastard Child, under the Provisions of the said Statute, *the Sum of per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks* (d) the Sum of per Week until such Child should attain the Age of Thirteen Years, or should die, or she the said Mother should marry, *and the*

(a) *or* City, Borough, *or other Place* (b) *or* Affirmation

(c) *This must not be before the Expiration of One Calendar Month from the Order.*

(d) *If the Sum for the first Six Weeks should not have been ordered, erase the Words in Italics.*

Sum

Sum of Ten Shillings for the Midwife, and the Sum of *for the Costs incurred in the obtaining such Order.*

And this Deponent further saith, that the said hath had due Notice of the said Order, and that the said Bastard Child is now living under the Age of Thirteen Years, and that she the said Deponent hath not been married since the said Order was made, and that the Payments directed to be made by the said Order have not been made according thereto by the said and that there is now in arrear for the same the Sum of being the Amount of Arrears for Weeks Payments, and *Ten Shillings for the Midwife, and the Sum of* *for the Costs incurred in the obtaining such Order;* and this Informant therefore prays Justice in the Premises.

Exhibited and sworn before me, the Day and Year first above written, at in the *County* (a)

(a) *or* City, Borough, *or other Place*

No. 11.

Warrant of Apprehension for Disobedience of Order.

to wit. } To the Constable of in the *County* (a) of and all Her Majesty's Officers of the Peace in and for the said *County* (a) whom these may concern.

WHEREAS Information and Complaint have been made upon *Oath* (b) before me, One of Her Majesty's Justices of the Peace for the *County* (a) of the Day of in the Year of our Lord One thousand eight hundred and forty by of the Parish of in the *County* (a) of single Woman, that by an Order made under the Authority of the Statute passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," at the Petty Session holden in and for the *Division* (a) of in the *County* (a) of on the Day of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices of the Peace in and for the said *County* (a) acting in and for the said *Division* (a) then and there assembled of in the County of was adjudged to be the putative Father of a Bastard Child, then lately born of her Body, and that in and by the said Order it was ordered that the said should pay to her the said so long as she should live and should be of sound Mind, and should not be in any Gaol or Prison, or under Sentence of Transportation, or to such Person as might be appointed to have the Custody of such Bastard Child, under the Provisions of the said Statute, *the Sum of* *per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks* the Sum of per Week until such Child should attain the Age of Thirteen Years, or should die, or she the said Mother should marry, *and the Sum of Ten Shillings for the Midwife, and the Sum of* *for the Costs incurred in obtaining such Order;* and that the said had had due Notice of the said Order, and that the said Bastard Child is now living under the Age of Thirteen Years, and that she the said Mother hath not been married since the said Order was made, and that the Payments directed to be made by the said Order have not been made according thereto by the said and that there is now in arrear for the same the Sum of being the Amount of Arrears

(a) *or* City, Borough, *or other Place* (b) *or* Affirmation

for Weeks Payments, *and Ten Shillings for the Midwife, and the Sum of for the Costs incurred in the obtaining such Order.*

These are, therefore, in Her Majesty's Name, to command you, the said Constable, or other Officers of the Peace, or some or one of you, forthwith to apprehend the said and convey him before Two of Her Majesty's Justices of the Peace in and for the said *County* (a), to answer the Premises, and be dealt with according to Law.

Given under my Hand and Seal, at in the *County* (a) of this Day of in the Year of our Lord One thousand eight hundred and forty .

(a) *or* City, Borough, *or other Place*

No. 12.

Warrant of Distress against the putative Father.

} To the Constable of in the
to wit. } County of

WHEREAS Information and Complaint were, on the Day of in the Year of our Lord One thousand eight hundred and forty made upon *Oath* (b) before One of Her Majesty's Justices of the Peace in and for the said *County*, (a) by of the Parish of in the *County* (a) of single Woman, that by an Order made at the Petty Session holden in and for the *Division* (a) *of in the County of* (a) on the Day of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices of the Peace in and for the said *County* (a) acting in and for the said *Division* (a) then and there assembled of *in the County* (a) *of* was adjudged to be the putative Father of a Bastard Child, then lately born of her Body, and that in and by the said Order it was ordered that the said should pay to her the said so long as she should be of sound Mind, and should not be in any Gaol or Prison, or under Sentence of Transportation, or to the Person who might be appointed to have the Custody of the said Child under the Provisions of the said Statute, *the Sum of per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks* the Sum of per Week until such Child should attain the Age of Thirteen Years, or should die, or she the said Mother should marry, *and the Sum of Ten Shillings for the Midwife, and the Sum of for the Costs incurred in obtaining such Order;* and that the said had had due Notice of the said Order, and that the said Bastard Child was then living under the Age of Thirteen Years, and that she the said Mother had not been married since the said Order was made, and that the Payments directed to be made by the said Order had not been made according thereto by the said and that there was then in arrear for the same the Sum of being the Amount of Arrears for Weeks Payments, *and Ten Shillings for the Midwife, and the Sum of for Costs incurred in obtaining such Order.*

And whereas the said Justice, by Warrant under his Hand and Seal directed to the Constable of the said Parish of and all Her Majesty's Officers of the Peace in and for the said *County* (a), commanded him, or some or one of them, forthwith to apprehend the said and to convey him before Two of Her Majesty's Justices of the Peace for the said *County* (a), to answer the Premises, and be dealt with according to Law: Whereupon the said being now brought before us, Two of Her Majesty's Justices of the Peace for the said *County* (a), to show Cause

(a) *or* City, Borough, *or other Place* (b) *or* Affirmation

why

why the same should not be paid, hath not shown any Cause why the same should not be paid; and the same duly appearing to us upon Oath to be due from the said under the said Order, together with the further Sum of for the Costs attending such Warrant, Apprehension, and bringing up of him the said nevertheless *neglects* (d) to make Payment of the said Sums due under the said Order, and the said Sums so due for such Costs.

These are therefore to require you forthwith to make Distress of the Goods and Chattels of the said and if within the Space of Days next after such Distress by you taken the said Sums, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the Money arising by such Sale thereof that you detain the said Sums, and also the reasonable Charges of taking, keeping, and selling the said Distress, rendering the Overplus (if any), on Demand, unto the said and if no sufficient Distress can be found, that then you certify the same unto us, or unto (e) Two of Her Majesty's Justices of the Peace acting for the said *County* (a), to the end that such further Proceedings may be had therein as to Law doth appertain: And we further order you to make Return to this Warrant, on the Day of next, unto us or such Justices as aforesaid.

And whereas (f) *the said not having given sufficient Security, by way of Recognizance or otherwise, to our Satisfaction, for his Appearance on the Return of this Warrant, we do hereby further order you to detain the said and keep him in safe Custody until the said Return can be conveniently made, and then bring him before us or such Justices as aforesaid.*

Given under our Hands and Seals, at in the *County* (a) of this Day of in the Year of our Lord One thousand eight hundred and forty .

(a) *or* City, Borough, *or other Place* (d) *or* refuses

(e) *If the Party give Security for his Appearance, insert the Names of the Justices before whom he is to appear; but should he not find such Security, insert the Word "any"*

(f) *Should the Party find Security for his Appearance on the Return of the Warrant, erase this Paragraph.*

No. 13.

Form of Recognizance for Appearance at the Return of the Distress Warrant.

RECOGNIZANCE in the common Form, subject to the following Condition.

to wit. } WHEREAS the above-bounden having been apprehended upon a Warrant issued under the Hand and Seal of One of Her Majesty's Justices of the Peace in and for the *County* (a) of upon the Information and Complaint of for Disobedience to an Order made in the Petty Session holden in and for the *Division* (a) *of in the County* of on the Day of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices of the Peace then and there assembled, whereby he was adjudged to be the putative Father of a Bastard Child, lately born of the Body of the said single Woman, and ordered to pay certain Sums of Money as therein set forth; and having been brought before Two of Her Majesty's Justices of the Peace for the said *County* (a), by virtue of the said Warrant, and having neglected (b) to make Payment of the Sums due from him under such Order, together with the Costs attending such

---

(a) *or* City, Borough, *or other Place* (b) *or* refused

Warrant,

Warrant, Apprehension, and bringing of him up before such Justices, they have, by Warrant under their Hands and Seals, addressed to the Constable of the Parish of directed the Sum so due, together with such Costs, to be recovered by Distress and Sale of the Goods and Chattels of the said and have made the said Warrant returnable on the Day of to them, or unto Two Justices of the Peace acting for the said *County* (a).

Now the Condition of this Recognizance is such, that if the above-bounden do appear before the Justices unto whom the said Warrant is made returnable on the Day so appointed for the Return thereof, to abide the further Proceedings thereon, then the same shall be of no Effect, otherwise to remain in full Force.

Taken and acknowledged the Day of in the Year of our Lord One thousand eight hundred and forty at in the *County* (a) of before me the undersigned, one of Her Majesty's Justices of the Peace in and for the said *County* (a) of

(a) *or* City, Borough, *or other Place*

No. 14.

Warrant of Commitment.

to wit. } To the Constable of in the *County* (a) of and to the Keeper of the (b) *Common Gaol* at in the County of

WHEREAS Information and Complaint were, on the Day of in the Year of our Lord One thousand eight hundred and forty made upon *Oath* (c) before One of Her Majesty's Justices of the Peace for the said *County* (a), by of the Parish of in the *County* (a) of single Woman, that by an Order made under the Authority of the Statute passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," at the Petty Session holden in and for the *Division* (a) *of in the County* of on the Day of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices of the Peace for the said *County* (a) acting in and for the said *Division* (a), then and there assembled, of in the *County* (a) of was adjudged to be the putative Father of a Bastard Child then lately born of her Body; and that in and by the said Order it was ordered that the said should pay to her the said so long as she should live and should be of sound Mind, and should not be in any Gaol or Prison, or under Sentence of Transportation, or to such Person as might be appointed to have the Custody of such Bastard Child, under the Provisions of the said Statute, *the Sum of per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks* the Sum of per Week until such Child should attain the Age of Thirteen Years, or should die, or that she the said Mother should marry, *and the Sum of Ten Shillings for the Midwife, and the Sum of for the Costs incurred in obtaining such Order;* and that the said had had due Notice of the said Order, and that the said Bastard Child was then living under the Age of Thirteen Years, and that she the said Mother had not been married since the said Order was made, and that the Payments directed to be made by the said Order had not been made according thereto by the said and that there was then in arrear for the same the Sum of being the Amount of Arrears for Weeks

(a) *or* City, Borough, *or other Place* (b) *or* House of Correction (c) *or* Affirmation

Payments,

Payments, *and Ten Shillings for the Midwife, and the Sum of* *for Costs incurred in obtaining such Order.*

And whereas the said Justice, by Warrant under his Hand and Seal, directed to the Constable of the said Parish of and all Her Majesty's Officers of the Peace in and for the said *County* (a), commanded him forthwith to apprehend the said and to convey him before Two of Her Majesty's Justices of the Peace in and for the said *County* (a) to answer the Premises, and be dealt with according to Law.

Whereupon the said being now brought before us, Two of Her Majesty's Justices of the Peace for the said *County* (a) to show Cause why the same should not be paid, hath not shown any Cause why the same should not be paid; and the same duly appearing upon *Oath* (c) to be due from the said under the said Order, together with the further Sum of for the Costs attending such Warrant, Apprehension, and bringing up of him, the said nevertheless *neglects* (c) to make Payment of the said Sums due under the said Order, and the said Sums so due for such Costs:

And whereas it appears to us, upon the Admission of the said that no sufficient Distress can be had upon his Goods and Chattels for the Recovery of the said several Sums:

These are therefore to command you the said Constable of to convey the said to the said *Common Gaol* (f) at and these are also to command you the said Keeper of the said *Common Gaol* (f) to receive the said into the said *Common Gaol* (f), there to remain without Bail or Mainprize for the Term of (g) unless such Sum and Costs, together with (h) the Costs and Charges attending the Commitment and conveying of the said to the said *Common Gaol* (f), and of the Persons employed to convey him thither, be sooner paid and satisfied.

Given under our Hands and Seals, at in the County of this Day of in the Year of our Lord One thousand eight hundred and forty .

(a) *or* City, Borough, *or other Place* (c) *or* Affirmation (e) *or* refuses
(f) *or* House of Correction (g) *Not to exceed Three Calendar Months.*
(h) *Where Warrants are issued after the passing of this Act the Justices should insert the Amount of these Costs and Charges.*

No. 15.

Warrant of Commitment in default of Distress.

} To the Constable of in the *County* (a) of
to wit. } and to the Keeper of the *Common Gaol* (b) at in the County of .

WHEREAS Information and Complaint were, on the Day of in the Year of our Lord One thousand eight hundred and forty made *upon Oath* (c) before One of Her Majesty's Justices of the Peace for the said *County* (a) by of the Parish of in the *County* (a) of single Woman, that by an Order made under the Authority of the Statute passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," at the Petty Session holden in and for the *Division* (a) *of* *in the County* of on the Day of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices of the Peace for the said *County* (a) acting in and for the said *Division* (a) then and

(a) *or* City, Borough, *or other Place* (b) *or* House of Correction (c) *or* Affirmation

 there

there assembled, of in the *County* (a) of was adjudged to be the putative Father of a Bastard Child then lately born of her Body, and that in and by the said Order it was ordered that the said should pay to her the said so long as she should live and should be of sound Mind, and should not be in any Gaol or Prison, or under Sentence of Transportation, or to such Person as might be appointed to have the Custody of such Bastard Child under the Provisions of the said Statute, the *Sum of per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks* the Sum of per Week until such Child should attain the Age of Thirteen Years, or should die, or that she the said Mother should marry, *and the Sum of Ten Shillings for the Midwife, and the Sum of for the Costs incurred in obtaining such Order;* that the said had had due Notice of the said Order, and that the said Bastard Child was then living under the Age of Thirteen Years, and that she the said Mother hath not been married since the said Order was made, and that the Payments directed to be made by the said Order had not been made according thereto by the said and there was then in arrear for the same the Sum of being the Amount of Arrears for Weeks Payments, *and Ten Shillings for the Midwife, and the Sum of for the Costs incurred in obtaining such Order.*

And whereas the said Justice, by Warrant under his Hand and Seal, directed to the Constable of the said Parish of and all Her Majesty's Officers of the Peace in and for the said *County* (a), commanded him forthwith to apprehend the said and to convey him before Two of Her Majesty's Justices of the Peace for the said *County* (a) to answer the Premises, and to be dealt with according to Law. Whereupon the said being brought before Two of Her Majesty's Justices of the Peace for the said *County* (a), to show Cause why the same should not be paid, did not show any Cause why the same should not be paid; and the same duly appearing upon Oath to be due from the said under the said Order, together with the further Sum of for the Costs attending such Warrant, Apprehension, and bringing up of him, but the said *neglecting* (c) to make Payment of the said Sums due under the said Order, and the said Sums so due for such Costs, the said Justices required the Constable of the Parish of in the said Warrant mentioned, forthwith to make Distress of the Goods and Chattels of the said and if no such Distress could be found then to certify the same unto them, or unto Two of Her Majesty's Justices of the Peace acting for the said *County* (a), to the end that such further Proceedings might be had therein as to Law appertained.

And whereas it appears to us Two of Her Majesty's Justices of the Peace acting for the said *County* (a), by Return of the said Constable of the said dated the Day of that he hath made diligent Search, but doth not know of nor can find any Goods and Chattels of the said by Distress and Sale whereof the said Sums and Costs can be recovered, pursuant to the said Warrant; and that the Costs incurred by the said Constable in attempting to make such Distress are Shillings

And the said is now before us (f)

These are therefore to command you the said Constable of to convey the said to the said *Common Gaol* (g), and these are also to command you the said Keeper of the said *Common Gaol* (g) to receive the said into the said *Common Gaol* (g), there to remain without Bail or Mainprize for the Term of (h) unless such Sums and

(a) *or* City, Borough, *or other Place* (c) *or* refusing

(f) *Insert* "in custody of the said Constable;" *or* "according to the Exigency of a Recognizance duly entered into by him on the Day of last."

(g) *or* House of Correction

(h) *Not to exceed Three Calendar Months.*

Costs,

Costs, and the aforesaid Charges attending the Attempt to make the said Distress, together with the Costs and Charges (ⁱ) attending the Commitment and conveying of the said to the said *Common Gaol* (ᵉ), and of the Persons employed to convey him thither, be sooner paid and satisfied.

Given under our Hands and Seals, at in the County of this Day of in the Year of our Lord One thousand eight hundred and forty .

(ᵉ) *or* House of Correction

(ⁱ) *Where Warrants are issued after the passing of this Act the Justices should insert the Amount of these Costs and Charges.*

No. 16.

Appointment of Guardian to the Bastard Child.

to wit. } WHEREAS the Justices assembled at a Petty Session of Her Majesty's Justices of the Peace for the *County* (ᵃ) of holden in and for the *Division of* (ᵃ) *in the County of* (ᵃ) at on the Day of in the Year of our Lord One thousand eight hundred and forty by an Order under their Hands and Seals, reciting that one single Woman, residing at within the said *Division* (ᵃ), did, on the Day of in the Year of our Lord One thousand eight hundred and forty make Application to One of Her Majesty's Justices of the Peace acting for the said *Division* (ᵃ), for a Summons to be served upon one and the said Justice thereupon issued his Summons to the said to appear at a Petty Session to be holden on the Day of in the Year of our Lord One thousand eight hundred and forty for the said *Division* (ᵃ) in which he usually acted, to answer her Complaint touching the Premises:*

And that the said having been duly served with the said Summons, within Forty Days from the said Day of and that the said having then applied to the said Justices in Petty Sessions assembled for an Order upon the said according to the Form of the Statute in such Case made and provided: And that it having been then proved to the said Justices that the said Child was *since* (ᵇ) the passing of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," (that is to say,) on the Day of in the Year of our Lord One thousand eight hundred and forty born a Bastard of the Body of the said : And that the said Justices, having heard the Evidence of such Woman, and such other Evidence as she had produced, and the Evidence of the said the Mother of the said Child, having been corroborated in some material Particular by other Testimony, to their Satisfaction, did adjudge the said to be the putative Father of the said Child, and, having regard to all the Circumstances of that Case, did order that the said should pay unto the Mother of the said Bastard Child, so long as she should live and be of sound Mind, and be not in any Gaol or Prison, or under Sentence of Transportation, or to the Person who might be appointed to have the Custody of such Child, under the Provisions of the said Statute, the Sum of until the said

(ᵃ) *or* City, Borough, *or other Place* (ᵇ) *or* within Six Calendar Months before

* This Form must be completed, in regard to the Recitals, by reference to the Order of the Justices.

Child

Child should attain the Age of Thirteen Years, or should die, or the said should marry: And they did further order the said to pay to the said the Sum of being the Costs incurred in obtaining their Order:

And whereas the said hath not married since the making of the said Order, but *hath lately* (c) and the said Child is still alive, and under the Age of Thirteen:

Now we Two of Her Majesty's Justices of the Peace acting in and for the *County* (a) of do hereby order and appoint one of in the *County* of (a) not being an Officer of any Parish or Union, and having consented thereto, to have the Custody of such Bastard Child, so long as such Bastard Child shall not be chargeable to any Parish or Union.

Given under our Hands and Seals, at in the *County* of (a) this Day of . in the Year of our Lord One thousand eight hundred and forty .

N.B.—A Duplicate of this Appointment is to be sent through the Post or otherwise, by the Clerk of the Justices, to the Clerk of the Guardians of the Union or Parish wherein the Mother of the said Child resided at the Time when she died, or ceased to be entitled to receive the Payments under the Order.

(a) *or insert* City, Borough, *or other Place*

(c) died, *or* become of unsound Mind, *or* is now in the Gaol *or* Prison of in the County of , *or* is under Sentence of Transportation,

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO

VICTORIÆ REGINÆ.

***

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VICTORIÆ REGINÆ.

****

CAP. XII.

An Act to alter and amend certain Duties of Customs. [8th *May* 1845.]

WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend the Laws relating to the Customs*, certain Duties of Customs were made payable to Her said Majesty, Her Heirs and Successors, upon the Goods, Wares, and Merchandize contained in the Tables marked (A.) and (B.), and Schedule, to this Act annexed: And whereas it is expedient that such Duties should be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties on the several Articles so contained in such Tables and Schedule shall be and the same are hereby repealed, at the several Periods therein specified.

5 & 6 Vict. c.47.

Duties repealed

II. And be it enacted, That in lieu and instead of the Duties of Customs now payable upon the Goods, Wares, and Merchandize imported into the United Kingdom in the annexed Schedule mentioned and set forth, denominated a Schedule of Duties of Customs, there shall be raised, levied, collected, and paid unto Her said

Duties imposed.

said Majesty, Her Heirs and Successors, upon the respective Goods, Wares, and Merchandize imported into the United Kingdom, the several Duties of Customs as the same are respectively inserted, described, and set forth in Figures in the said Schedule annexed to this Act.

Duties how to be recovered.

III. And be it enacted, That the Duties by this Act imposed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied or appropriated under the Provisions of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting Duties of Customs*, and of any other Act or Acts in force relating to the Customs.

3 & 4 W. 4. c. 56.

Value of Goods entered Inwards to be stated in the Entry and attested by the Importer.

IV. And whereas it is expedient that correct Accounts may continue to be taken of the Value of the Imports of certain Goods upon which Duty has hitherto been charged according to the Value thereof, but upon which Goods the Duties have been repealed by this Act; be it enacted, That upon the Entry Inwards of any such Goods the Value thereof shall be stated in the Entry, and shall be affirmed by the Declaration of the Importer or his known Agent, written upon the Entry and attested by his Signature, and if such Declaration be false, the Person signing the same shall forfeit a Sum not exceeding Twenty Pounds; and it shall be lawful for the Landing Waiter or other Officer appointed to examine such Goods to call for the Invoice, Bills of Parcels, and such other Documents relating thereto as he may think necessary for ascertaining the true Value of the same.

Act may be amended, &c.

V. And be it enacted, That this Act may be altered or amended by any Act to be passed in this Session of Parliament.

TABLE (A.)

From and after the passing of this Act.

Agates, or Cornelians, not set.
Alganobilla.
Alkali.
Alkanet Root.
Almonds, Bitter.
Aloes.
Alum.
—— Roch.
Amber, rough.
Ambergris.
Amboyna Wood.
Angelica.
Annatto.
———— Roll.
Antimony, Ore of.
———— Crude.
———— Regulus of.
Argol.
Aristolochia.
Arsenic.
Ashes, Pearl and Pot.
—— Soap, Weed, and Wood.
—— unenumerated.
Asphaltum or Bitumen Judaicum.

Balsam, Canada.
———— Capivi.
———— Peru.
———— Riga.
———— Tolu.
———— Balm of Gilead, and unenumerated Balsam.
Barilla.
Bar Wood.
Bark, Extract of, or of other Vegetable Substances, to be used only for tanning Leather.
—— for Tanners or Dyers Use.
—— Cascarilla.
—— Peruvian.
—— of other Sorts.
Basket Rods, peeled and unpeeled.
Beef Wood.
Berries, Bay.
———— Juniper.
———— Yellow.
———— unenumerated.
Birds, Singing.
Blackwood.
Bladders.
Bones of Cattle and other Animals, and of Fish (except Whale Fins), whether burnt or not, or as Animal Charcoal.
Box Wood.
Borax, refined.
Borax or Tincal, unrefined.
Boracic Acid.
Brazil Wood.
Brazilletto Wood.
Brimstone, refined, in Rolls.
———————— in Flour.
———————— not refined.
Bristles, rough, or in any way sorted
Bronze Works of Art.
Bulrushes.

Camomile Flowers.
Camphor, unrefined.
Camwood.
Candlewick.
Canella Alba.
Canes, Bamboo.
—— Reed.
—— Rattans, not ground.
—— or Sticks, unenumerated.
Caoutchouc.
Cardamoms.
Cassia Buds.
—— Fistula.
Castor.
Cedar Wood.
Chalk, unmanufactured.
Chip, or Willow, for platting.
Chesnuts.
China Root.
Chrystal, rough.
Cinnabaris Nativa.
Citrate of Lime.
Citric Acid.
Civet.
Coals, Culm, and Cinders.
Cobalt.
———— Ore of.
Cochineal.
———————— Dust.
———————— Granilla.
Coir Rope and Junk, old and new, cut into Lengths not exceeding Three Feet each.
Colocynth.
Columbo Root.
Copperas, Blue.
———————— Green.
———————— White.
Coral, whole, polished.
———— ———— unpolished.
———— in Fragments.

TABLE (A.)—*continued.*

Cork.
Cotton Yarn.
Cubebs.
Cream of Tartar.

Divi Divi.
Down.
Drugs, unenumerated.

Ebony.

Feathers for Beds, in Beds or otherwise.
——— Ostrich, undressed.
——— Paddy Bird, undressed.
——— unenumerated and undressed.
Flax and Tow, or Codilla of Hemp and Flax, dressed and undressed.
Flocks.
Flower Roots.
Fustic.

Gallic Powder.
Galls.
Gamboge.
Garancine.
Garnets, cut or uncut, not set.
Gentian.
Ginseng.
Glue Clippings, or Waste of any Kind, fit only for making Glue.
Goods unenumerated, not being either in part or wholly manufactured, not enumerated or prohibited.
Grease.
Greaves for Dogs, and Tallow Greaves.
Guano.
Gum, Animi.
—— Arabic.
—— Assafœtida.
—— Ammoniacum.
—— Benjamin.
—— Copal.
—— Euphorbium.
—— Guiacum.
—— Kino.
—— Lac Dye.
—— Mastic.
—— Seed Lac.
—— Senegal.
—— Shellac.
—— Storax.
—— Tragacanth.
—— unenumerated.
Gun Stocks in the rough, of Wood.
Gypsum.

Hair, Camel Hair or Wool.
—— Cow, Ox, Bull, or Elk.
—— Horse.
—— Human.
—— unenumerated.
Heath, for Brushes.
Helebore.
Hemp, dressed.
Hemp, rough or undressed, or any other Vegetable Substance of the Nature and Quality of undressed Hemp, and applicable to the same Purposes.
Hides, not tanned, tawed, curried, or in any Way dressed, dry and wet.
——— or Pieces of Hides, raw or undressed, and unenumerated.
——— Tails, Buffalo, Bull, Cow, or Ox.
——— tanned, not otherwise dressed.
Hones.
Hoofs of Cattle.
Hoops of Wood.
Horns—Horn Tips and Pieces of Horns.

Indigo.
Inkle, unwrought.
Iron, Bloom.
—— Cast.
—— Chromate of.
—— in Bars, unwrought.
—— Hoops.
—— Old Broken and Cast Iron.
—— Ore.
—— Pig.
—— slit or hammered into Rods.

Jalap.
Jet.
Jewels — Emeralds and all other precious Stones, unset.
——— Pearls.
Juice of Lemons, Limes, or Oranges.

Kingwood.

Lac; viz. Sticklac.
Lapis Calaminaris.
Lard.
Latten.
——— Shaven.
Lavender Flowers.
Lead Ore.
—— Red.
—— White.
—— Black.
—— Chromate of.
Leaves of Roses.
Leeches.

TABLE (A.)—*continued.*

Lignum Vitæ.
Litharge.
Logwood.
Losh Hides.

Madder.
Madder Root.
Mahogany.
Manganese, Ore of.
Manna.
Manures, unenumerated.
Metal—Bell Metal.
Minerals and Fossils unenumerated.
Models of Cork or Wood.
Morphia.
Moss, Lichen Islandicus.
—— other than Rock or Iceland Moss.
—— Rock, for Dyers Use.
Mother-o'-Pearl Shells.
Musk.
Myrrh.

Nicaragua Wood.
Nickel, Arseniate of, in Lumps or Powder, being in an unrefined State.
——— Metallic, and Oxide of, refined.
——— Ore of.
Nitre—Cubic Nitre.
Nuts; viz.
—— Kernels of Walnuts and of Peach Stones, and of Nuts or Kernels thereof, unenumerated, commonly used for expressing Oil therefrom.
—— Coco Nuts.
Nuts, Pistachio.
Nuts and Kernels, unenumerated.

Oakum.
Ochre.
Oil, Animal.
—— Castor.
—— Cocoa Nut.
—— of Olives, except in Ships of the Two Sicilies.
—— Lard.
—— Palm.
—— Paran.
—— Rock.
—— unenumerated.
—— Train, Blubber, Spermaceti Oil, and Head Matter, the Produce of Fish or Creatures living in the Sea, caught by the Crews of British Vessels, and imported direct from the Fishery or from any British Possession in a British Vessel.
Oil;—Seed Oils; viz.
—— Hempseed.
—— Linseed.
—— Rapeseed.
—— Walnut.
—— Seed, unenumerated.
Oil Seed Cake.
Olibanum.
Olive Wood.
Orange Peel and Lemon Peel.
Ore, unenumerated.
Orchal.
Orpiment.
Orris Root.

Painters Colours, unenumerated, unmanufactured.
Palmetto Thatch.
Pink Root.
Pitch.
—— Burgundy.
Plaster of Paris.
Platina, and Ore of Platina.
Platting or other Manufactures to be used in or proper for making Hats or Bonnets of Chip.
Pomegranates, Peel of.
Prussiate of Potash.

Quicksilver.
Quils, Goose.
——— Swan.

Radix Contrayervæ.
——— Enulæ Campanæ.
——— Eringii.
——— Ipecacuhanæ.
——— Rhataniæ.
——— Senekæ.
——— Serpentariæ or Snake Root.
Rags, old Rags, old Ropes or Junk, or old Fishing-nets, fit only for making Paper or Pasteboard.
—— Pulp of.
—— Woollen.
Rape of Grapes.
Red Wood or Guinea Wood.
Rhubarb.
Rosewood.
Rosin.

Safflower.
Saffron.
Sal Ammoniac.
—— Limonum.
—— Prunella.

TABLE (A.)—*continued.*

Salep or Salop.
Saltpetre.
Sanguis Draconis.
Santa Maria Wood.
Sapan Wood.
Sarsaparilla.
Sassafras.
Satin Wood.
Saunders' Red.
——— White or Yellow.
Scammony.
Seeds; viz.
—— Croton, commonly used for expressing Oil therefrom.
—— Hemp.
—— Poppy.
—— Sesamum.
—— unenumerated, commonly used for expressing Oil therefrom.
Senna.
Shumach.
Silk, Raw.
—— Knubs or Husks, and Waste Silk.
—— Thrown, not Dyed.
Skins and Furs; viz.
—— Marten, undressed.
—— Seal, in the Hair, not tanned, tawed, or dressed.
—— Squirrel or Calabar, undressed.
—— Furs, Pelts, and Tails; viz.
—— Badger, undressed.
—— Bear, undressed.
—— Beaver, undressed.
—— Cat, undressed.
—— Chincilla, undressed.
—— Coney, undressed.
—— Deer, undressed.
—— Dog, in the Hair, not tanned or dressed.
—— Dog Fish, undressed.
—— Elk, undressed.
—— Ermine, undressed.
—— Fisher, undressed.
—— Fitch, undressed.
—— Fox, undressed.
—— Fox Tails, undressed.
—— Goat, raw.
—— Goose, undressed.
—— Hare, undressed.
—— Husse, undressed.
—— Kangaroo, raw and undressed.
—— Kid, in the Hair, undressed.
—— Kolinski, undressed.
—— Leopard, undressed.
—— Lion, undressed.
—— Lynx, undressed.
Skins, Marten Tails, undressed.
—— Mink, undressed.
—— Mole, undressed.
—— Musquash, undressed.
—— Nutria, undressed.
—— Otter, undressed.
—— Ounce, undressed.
—— Panther, undressed.
—— Pelts, undressed, of Goats.
——— ——— of all other Sorts.
—— Racoon, undressed.
—— Sable, undressed.
—— Sable Tails or Tips, undressed.
—— Squirrell or Calabar, Tails of, undressed.
—— Swan, undressed.
—— Tiger, undressed.
—— Weasel, undressed.
—— Wolf, undressed.
—— Wolverings, undressed.
—— Furs, Pelts, and Tails, tanned, tawed, or dressed; viz.
—— Deer,—Indian, half dressed, tanned, tawed, or in any way dressed.
—— Ermine, dressed.
—— Kid, dressed and dyed or coloured.
—— Lamb, tanned or tawed.
—— Lamb, dyed or coloured.
Dressed in Oil:
—— Mink, dressed.
—— Pelts of all Sorts, tanned, tawed, or in any way dressed.
—— Deer,—Indian, undressed or shaved.
—— Goat, tanned, tawed, or in any way dressed.
—— Lamb, in the Wool.
—— Sheep, in the Wool.
—— —— tanned or tawed, dressed in Oil.
—— Squirrel or Calabar, tawed.
—— Wolf, tawed.
—— Kid, dressed, not dyed or coloured.
—— and Furs, or Pieces thereof, unenumerated, tawed, curried, or dressed.
—— and Furs, or Pieces thereof, raw or undressed, unenumerated.
Specimens of Minerals, Fossils, or Ores, unenumerated, exceeding Fourteen Pounds Weight each.
Speckled Wood.
Spelter or Zinc, rolled, but not otherwise manufactured.
——— crude, in Cakes.
Sponge.
Squills, dried and not dried.
Stavesacre.

TABLE (A.)—*continued.*

Staves, not exceeding Seventy-two Inches in Length, nor Seven Inches in Breadth, nor Three Inches and a Quarter in Thickness.
Steel, unwrought.
—— Scraps.
Straw or Grass for Platting.
Sweet Wood.
Stone in Blocks, shaped or rough scalped.
Sulphur Casts.

Talc.
Tar.
—— Barbadoes.
Tarras.
Tartaric Acid.
Teasles.
Teeth, Elephants.
—— Sea-Cow, Sea-Horse, or Sea-Morse.
Terra Japonica, and Cutch.
—— Sienna.
—— Verde.
—— Umbra.
Tin Ore, and Regulus of.
Tornsal.
Tortoise Shell or Turtle Shell, unmanufactured.
Tulip Wood.
Turmeric.
Turpentine of Venice, Scio, or Cyprus.
Turpentine, unless above the Value of 15*s.* per Cwt.

Valonia.
Vases, ancient, not of Stone or Wood.
Vermilion.

Ultramarine.

Walnut Wood.
Water, Mineral.
Wax, Bees, in any Degree bleached.
—— —— unbleached.
—— Myrtle.
—— Vegetable.
Weld.
Whale Fins, of British taking, and imported direct from the Fisheries or from any British Possession in a British Ship.
Woad.
Wood, for Ship-building, now admitted at the same Duty as Teake Wood.
—— Birch, hewn, not exceeding Three Feet long, nor exceeding Eight Inches square, imported for the sole Purpose of making Herring Barrels for the Use of the Fisheries.
—— Teake.
Wool, Beaver.
—— —— cut and combed.
—— Coney.
—— Hares.
—— Cotton.

Yarn.
—— Camel or Mohair.
—— Raw Linen.

Zaffre.
Zebra Wood.

TABLE (B.)

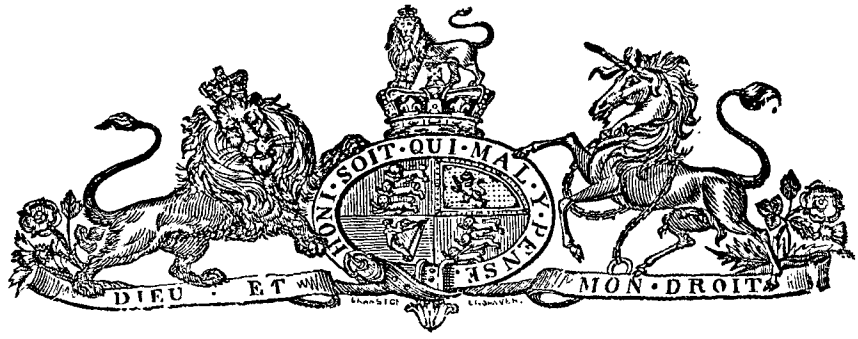
Seeds; viz.		
Acorn.	Lettuce.	From and after the
Anniseed.	Linseed and Flaxseed.	
Beans, Kidney or French.	Lupin.	
Burnet.	Maw.	
Colchicum.	Millet.	
Cole.	Parsley.	1st Day of June 1845.
Coriander.	Quince.	
Cummin.	Rape.	
Fenugreek.	Shrub or Tree.	
Forest.	Tares.	
Garden, unenumerated.	Worm.	
Lentiles.		
Spermaceti		1st Day of January 1849.
Sperm Oil of Foreign Fishing		
Train Oil or Blubber of Foreign Fishing		1st Day of January 1847.
Whales Fins of Foreign taking, and not prohibited		

A SCHEDULE OF DUTIES OF CUSTOMS.

	£	s.	d.
Isinglass, per Cwt.	0	5	0
Oils, Chemical, Essential or Perfumed, per lb.	0	1	0
—— Essential, of Cloves, per lb.	0	3	0
Pickles preserved in Vinegar, per Gallon	0	0	4
Pickles or Vegetables preserved in Salt, for every 100*l.* Value	5	0	0
Refined Camphor, per Cwt.	0	5	0
Smalts, per Cwt.	0	10	0
Turpentine above the Value of 15*s.* per Cwt.	0	2	0
Verdigris, per Cwt.	0	5	0
Yarn Cable, per Cwt.	0	3	0
That from and after the Expiration of Excise Duties on British Glass, and until the 10th Day of October 1846, the following Duties of Customs: Glass; viz.			
Any Kind of Window Glass, White, or stained of One Colour only, not exceeding One Ninth of an Inch in Thickness, and Shades and Cylinders, the Cwt.	0	14	0
All Glass exceeding One Ninth of an Inch in Thickness; all silvered or polished Glass of whatever Thickness, however small each Pane, Plate, or Sheet, superficial Measure; viz.			
Not exceeding more than 9 square Feet, the square Foot	0	1	0
Containing more than 9 square Feet, and not more than 14 square Feet, the square Foot	0	2	0
Containing more than 14 square Feet, and not more than 36 square Feet, the square Foot	0	2	6
Containing more than 36 square Feet, the square Foot	0	3	0
Glass, painted or otherwise ornamented, the superficial Foot	0	3	0
All White Flint Glass Bottles, not cut, engraved, or otherwise ornamented, and Beads and Bugles of Glass, the lb.	0	0	2
Wine Glasses, Tumblers, and all other White Flint Glass Goods, not cut, engraved, or otherwise ornamented, the lb.	0	0	4
All Flint Cut Glass, Flint coloured Glass, and Fancy Ornamental Glass, of whatever Kind, the lb.	0	0	8
Bottles of Glass covered with Wicker (not being Flint or Cut Glass), or of Green or common Glass, the Cwt.	0	3	0
Glass Manufactures, not otherwise enumerated or described, and old broken Glass, fit only to be remanufactured, the Cwt.	0	14	0

And that from and after the 10th Day of October 1846, until the 5th Day of April 1848, there be charged on the said Article One Half of the said Duties, and from and after the 5th Day of April 1848 One Fourth of the said Duties.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XIII.

An Act to repeal the Duties of Excise on Sugar manufactured in the United Kingdom, and to impose other Duties in lieu thereof.

[8th *May* 1845.]

WHEREAS by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to impose certain Duties of Excise on Sugar made from Beet Root in the United Kingdom*, a Duty of Excise of One Pound Four Shillings was imposed on every Hundred Weight of Sugar manufactured in the United Kingdom from Beet Root: And whereas by another Act passed in the Third and Fourth Years of the Reign of Her said Majesty, intituled *An Act to impose Duties of Excise on Sugar manufactured in the United Kingdom*, the same Amount of Duty as was by Law payable on Sugar manufactured from Beet Root was imposed upon all Sugar manufactured in the United Kingdom, from whatever Materials made: And whereas it is expedient to repeal the said Duties, and to impose other Duties in lieu thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the Duties aforesaid shall cease and be no longer paid or payable, save and

7 W. 4. & 1 Vict. c. 57.

3 & 4 Vict. c. 57.

Repeal of the Excise Duties on Sugar manu-

factured in the United Kingdom.

and except in all Cases relating to the suing for, levying, and recovering of any Arrear thereof, or any Fine, Penalty, or Forfeiture which has been incurred before the passing of this Act.

New Excise Duty on such Sugar of 14*s* per Cwt.

II. And be it enacted, That in lieu of the Duties by this Act repealed, there shall be raised, levied, collected, and paid the Duty of Excise following; (that is to say), for and upon every Hundred Weight of Sugar manufactured in the United Kingdom, from whatever Materials made, and so in proportion for any greater or lesser Quantity than a Hundred Weight, the Sum of Fourteen Shillings.

New Duty to be raised and levied in the same Manner as other Excise Duties;

and Powers and Penalties of all Excise Acts to apply to this Act.

III. And be it enacted, That the said Duties by this Act imposed shall be under the Management of the Commissioners of Excise, and the same shall be charged, raised, levied, collected, and recovered, applied and accounted for under the Enactments and Provisions of the said first-recited Act, and in such and the like Manner, and in and by the same Means, Ways, or Methods by which any other Duties of Excise are or may be charged, raised, levied, collected, and recovered, applied and accounted for; and the said first-recited Act, and all and every other Act or Acts relating to the Duties of Excise, and all and every Fine, Pain, Penalty, and Forfeiture of any Nature or Kind whatsoever for any Offence against or in breach of the said first-recited Act or any other Act or Acts for securing the Duties of Excise, or for the Regulation thereof, in force immediately before the passing of this Act, and the several Clauses, Powers, and Directions therein contained, shall and the same are hereby respectively directed and declared to extend to, and shall be applied, practised, and put in execution for and in respect of the Duties of Excise by this Act imposed, in as full and ample a Manner as if all and every the said Act and Acts, Clauses, Provisions, Powers, Directions, Fines, Pains, Penalties, and Forfeitures were repeated and re-enacted in this Act.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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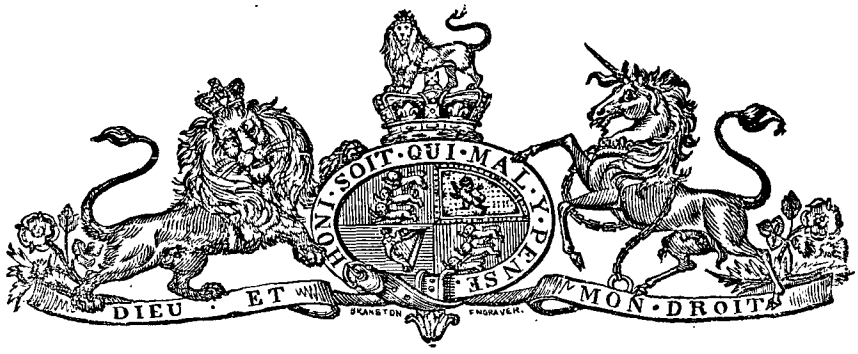

ANNO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XIV.

An Act to exempt Ships carrying Passengers to *North America* from the Obligation of having on board a Physician, Surgeon, or Apothecary.

[8th *May* 1845.]

WHEREAS by an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for regulating the Carriage of Passengers in Merchant Vessels*, Ships carrying Passengers to *North America* were exempted from the Obligation of having on board a Physician, Surgeon, or Apothecary, as required by the said Act in other Cases therein specified: And whereas by an Act passed in the last Session of Parliament, intituled *An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen*, it is, among other things, enacted, that every Ship having One hundred Persons or upwards on board, and every Ship, the Voyage of which shall be deemed, under the Provisions of the first-recited Act, to exceed Twelve Weeks, having Fifty Persons or upwards on board, shall have on board, as one of her Complement, some Person duly authorized by Law to practise in this Kingdom as a Physician, Surgeon, or Apothecary, whereby the Exemption granted by the first-recited Act to Ships carrying Passengers to the Continent of *North America* has been taken away in all Cases where the total Number of Persons on board

5 & 6 Vict. c. 107.

7 & 8 Vict. c. 112.

 any

So much of 7 & 8 Vict. c. 112. as requires Ships carrying Passengers to the East Coast of North America to have Surgeons, &c. on board when the Number of Persons amounttto100 repealed.

any such Ship shall amount to One hundred and upwards; and it is expedient that such Exemption be preserved: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the last-recited Act as enacts that Ships, as defined in the last-recited Act, carrying Passengers, according to the Provisions of the first-recited Act, from any Port or Place in the United Kingdom, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, to the East Coast of the Continent of *North America*, shall have on board a Physician, Surgeon, or Apothecary as often as the total Number of Persons on board any such Ship shall amount to One hundred and upwards, shall be repealed.

Proceedings for Recovery of Penalties shall be stayed.

II. And be it enacted, That any Person against whom any Proceeding or Proceedings shall have been commenced, on or before the Day of the passing of this Act, for the Recovery of any pecuniary Penalty incurred or supposed to have been incurred, under the Provisions of the last-recited Act, for any Breach or Non-observance of so much of the last-recited Act as is herein repealed, may apply to the Court in which, or to any Justice or Justices of the Peace before whom, any such Proceeding or Proceedings shall have been commenced, for an Order that such Proceedings shall be discontinued but upon Payment of the Costs thereof incurred to the Time of such Application being made, in case such Proceeding shall have been commenced before the Seventeenth Day of *April* in this Year, such Costs to be taxed according to the Practice of the Court, or at the Discretion of the Justice or Justices before whom such Proceeding shall have been had; and every such Court or Justice or Justices, upon such Application and Proof that sufficient Notice of the Application has been given to the Plaintiff or Informer, or to his Attorney, and upon being satisfied, by Affidavit or otherwise, that such Proceedings have been commenced for the Recovery of such pecuniary Penalty as aforesaid, shall make such Order as aforesaid; and upon the making such Order as aforesaid, and on Payment or Tender of such Costs as aforesaid, where Costs are herein-before made payable, all further Proceedings for the Recovery of any such pecuniary Penalty shall be forthwith discontinued.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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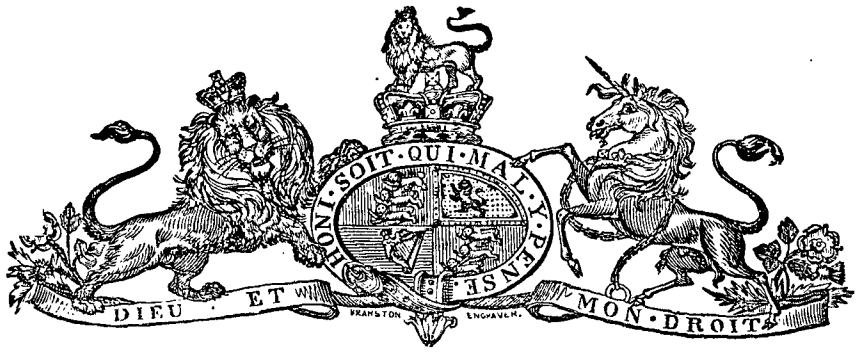

ANNO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XV.

An Act to repeal the Duties of Excise on Sales by Auction, and to impose a new Duty on the Licence to be taken out by all Auctioneers in the United Kingdom. [8th *May* 1845.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof; and to amend the Laws for granting Excise Licences*, a certain Duty of Excise is imposed for and upon every Licence to be taken out by every Person exercising or carrying on the Trade or Business of an Auctioneer, or selling any Goods or Chattels, Lands, Tenements, or Hereditaments, by Auction; and by a Regulation in the said last-recited Act, and by certain other Acts relating to the Duties of Stamps, Auctioneers are required in certain Cases to take out separate and distinct Licences for selling particular Goods and Chattels by Auction, in addition to their Auctioneer's Licence: And whereas certain Duties of Excise upon the Purchase Money arising or payable by virtue of any Sale at Auction in *Great Britain* and *Ireland* are imposed and regulated by several Acts; (that is to say,) by an Act passed in the Forty-third Year of the Reign of His late 6 G. 4. c. 81.

43 G. 3. c. 69. Majesty King *George* the Third, intituled *An Act to repeal the Duties of Excise payable in* Great Britain, *and to grant other Duties in lieu thereof;* and by another Act passed in the Forty-fifth Year of 45 G. 3. c. 30. the Reign of His said Majesty King *George* the Third, intituled *An Act for granting to His Majesty several additional Duties of Excise in* Great Britain; and by another Act passed in the Fifty-fourth Year of 54 G. 3. c. 82. the Reign of His said Majesty King *George* the Third, intituled *An Act to grant to His Majesty Duties upon Auctions in* Ireland, *in lieu of former Duties thereon; and to provide for the regulating and securing the Collection of the said Duties, and to prevent Frauds therein;* and by another Act passed in the Fifty-fifth Year of the 55 G. 3. c. 142. Reign of His said Majesty King *George* the Third, intituled *An Act to reduce the Duties on all Sheep Wool, the Growth of the United Kingdom, which shall be sold by Auction for the Growers or first Purchasers;* and by several other Acts for altering or amending the said recited Acts or some of them: And whereas it is expedient that the said last-mentioned Duties, and all Duties now imposed upon or for or in respect of Auctioneers or Auctions, and all Acts, Clauses, Provisions, and Regulations now in force relating thereto, should cease, save and except as after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Duties on Sales by Auction repealed.

That from and after the passing of this Act the said last-mentioned Duties, and all Duties of Excise now payable in *Great Britain* or *Ireland* upon or for or in respect of Auctioneers and Auctions or Sales at Auction, and all and every Act and Acts of Excise, and all Clauses, Provisions, Exemptions, Penalties, and Things in any Act of Excise in force in *Great Britain* and *Ireland* respectively at or immediately before the passing of this Act, relating to Auctions, or to Duties on Sales by Auction, or to any Auctioneers, save only such Clauses, Provisions, Penalties, Matters, and Things as are contained in the said recited Act of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, and are not repealed or altered by this Act, are hereby repealed, save and except for the Purpose of recovering any Duties on Auctions, or any Arrears of such Duties, or any Fine, Penalty, or Forfeiture relating to Auctions, or for allowing any Exemptions from Duties which have been incurred or become due or allowable at any Time before the passing of this Act; but that all and every such Regulations and Provisions, Powers and Authorities, and all Bonds for securing the Payment of any such Duties on Auctions, in force at and immediately before the passing of this Act, shall be and remain in full Force and Effect for the levying and collecting the said last-mentioned Duties, and Arrears of Duties, Fines, Penalties, and Forfeitures, and for allowing the said Exemptions.

New Duty on Auctioneers Licences throughout the United Kingdom.

II. And be it enacted, That from and after the passing of this Act there shall be raised, levied, collected, and paid to Her Majesty, Her Heirs and Successors, in lieu of all Duties now imposed on Licences to be taken out by Auctioneers throughout the United Kingdom, the following annual Sum or Duty of Excise; (that is to

say,) for and upon every Licence to be taken out by every Person exercising or carrying on the Trade or Business of an Auctioneer in any Part of the United Kingdom the Sum of Ten Pounds.

New Duty to be under the Management of the Commissioners of Excise, and recoverable, &c. under the Provisions of this and other Acts of Excise.

III. And be it enacted, That the said Duty hereby imposed shall be under the Management of the Commissioners of Excise, and shall be collected, paid, and accounted for in the same Manner as other the Duties of Excise, and shall be charged, raised, levied, sued for, and paid under the Provisions of this Act, and the general or special Provisions, Clauses, Enactments, Regulations, Pains, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise; and all Penalties by this Act imposed shall be prosecuted, recovered, and applied as any other Penalties under the Laws of Excise.

Licences to be taken out, and to be renewed annually.

IV. And be it enacted, That every Person who exercises or carries on the Trade or Business of an Auctioneer, or who acts in such Capacity at any Sale or Roup, and every Person who sells or offers for Sale any Goods or Chattels, Lands, Tenements, or Hereditaments, or any Interest therein, at any Sale or Roup where any Person or Persons become the Purchaser of the same by Competition, and being the highest Bidder, either by being the single Bidder or increasing upon the Biddings made by others, or decreasing on Sums named by the Auctioneer or Person acting as Auctioneer, or other Person at such Sale, or by any other Mode of Sale by Competition, shall (except as herein-after in this Act mentioned) be deemed to carry on the Trade or Business of an Auctioneer, and shall be required to take out such Licence as by this Act directed; and every such Licence shall be renewed annually Ten Days at least before the Expiration thereof, on the Fifth Day of *July* in each and every Year; and every Auctioneer having had such a Licence who continues to carry on the Trade or Business of an Auctioneer in the Year next ensuing the Expiration thereof, and omits to renew the same as aforesaid, and every Person who carries on the Trade or Business of an Auctioneer as aforesaid without taking out such Licence as by this Act directed, shall (except as herein-after in this Act mentioned) forfeit One hundred Pounds: Provided always, that Auctioneers who have Licences in force at the passing of this Act, and which Licences do not expire until the Fifth Day of *July* now next ensuing, shall not be required to take out the Licence by this Act directed for the Purpose of carrying on the Business of an Auctioneer until Ten Days before the Expiration of their current Licences, but that every such Auctioneer may, at any Time within the last Quarter of the current Year to expire on the said Fifth Day of *July*, take out the Licence by this Act directed, on Payment of a Fourth Part of the Duty imposed on such last-mentioned Licence; but that on every such Licence taken out after the said Fifth Day of *July*, at whatever Period of the Year, the full Duty of Excise by this Act imposed shall be paid, any other Act or Acts to the contrary thereof notwithstanding.

Auction Licence not necessary in certain Cases.

V. And be it enacted, That it shall not be necessary for any Person selling any Goods or Chattels by Auction in any of the Cases herein-after mentioned to take out the Licence by this Act required:

required: Any Person selling any Goods or Chattels by Auction under a Distress for Nonpayment of Rent or Tithes to less Amount than Twenty Pounds; or under Authority of an Act passed in the Sixth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to alter and amend an Act passed in the Thirty-ninth and Fortieth Year of King* George *the Third, for the Recovery of Small Debts in* Scotland; or under Authority of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in* Ireland, and an Act passed in the Seventh Year of the Reign of His said late Majesty King *William* the Fourth and the First Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws for the Recovery of Small Debts by Civil Bill in* Ireland; or under Authority of an Act passed in the Seventh Year of the Reign of His said Majesty King *William* the Fourth and the First Year of the Reign of Her said Majesty, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs in* Scotland; or under Authority of any other Act or Acts of Parliament now in force in which the like Exemption as by the Act specified is given to the proper Officer of Court executing the Process of such Court to sell the Effects seized by him by Auction, without taking out or having any Licence as an Auctioneer, provided the Sum for which such Process is enforced is under Twenty Pounds.

6 G. 4. c. 48.

6 & 7 W. 4. c. 75.

7 W. 4. & 1 Vict. c. 43.

7 W. 4. & 1 Vict. c. 41.

6 G. 4. c. 81. s. 8. repealed, and One Excise Licence to be sufficient.

VI. And be it enacted, That so much of the said recited Act of the Sixth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that every Person exercising or carrying on the Trade or Business of an Auctioneer, or selling any Goods or Chattels, Lands, Tenements, or Hereditaments, by Auction, shall, over and above any Licence to him or her granted as an Auctioneer, take out such Licence as is required by Law to deal in or retail, or to vend, trade in, or sell, any Goods or Commodities, for the dealing in or retailing or vending, trading in or selling of which an Excise Licence is specially required, before he or she shall be permitted or authorized to sell such Goods or Commodities by Auction; and if any such Person shall sell any such Goods or Commodities as aforesaid by Auction without having taken out such Licence as aforesaid for that Purpose, he or she shall be subject and liable to the Penalty in that Behalf imposed upon Persons dealing in or retailing, vending, trading, or selling any such Goods or Commodities without Licence, notwithstanding any Licence to him or her before granted as aforesaid for the Purpose of exercising or carrying on the Trade or Business of an Auctioneer, or selling any Goods or Chattels, Lands, Tenements, or Hereditaments by Auction, any thing herein contained to the contrary notwithstanding," together with the Proviso thereto attached, and so much of any other Act or Acts of Parliament by which it is required that a separate and distinct Licence shall be taken out by any Auctioneer selling by Auction Gold or Silver Plate or Patent Medicines, or any other Articles, are hereby repealed; and any Auctioneer having at the Time in force a Licence on which the Duty under the Provisions of this

Act

Act has been paid may sell by Auction any such Property, Goods, or Commodities, without taking out any other Licence in such respect, any other Act or Acts to the contrary thereof notwithstanding.

Auctioneer, before he shall commence any Sale, shall suspend or affix a Ticket or Board containing his full Christian and Surname and Place of Residence.

VII. And be it enacted, That every Auctioneer, before beginning any Auction, shall affix or suspend, or cause to be affixed or suspended, a Ticket or Board containing his true and full Christian and Surname and Residence painted, printed, or written in large Letters publicly visible and legible in some conspicuous Part of the Room or Place where the Auction is held, so that all Persons may easily read the same, and shall also keep such Ticket or Board so affixed or suspended during the whole Time of such Auction being held; and if any Auctioneer begins any Auction, or acts as Auctioneer at any Auction, in any Room or Place where his Name and Residence is not so painted or written on a Ticket or Board so affixed or suspended, and kept affixed or suspended as aforesaid, he shall forfeit for every such Offence the Sum of Twenty Pounds.

Licence to be produced, on demand, or a Deposit of Ten Pounds made, on pain of One Month's Imprisonment.

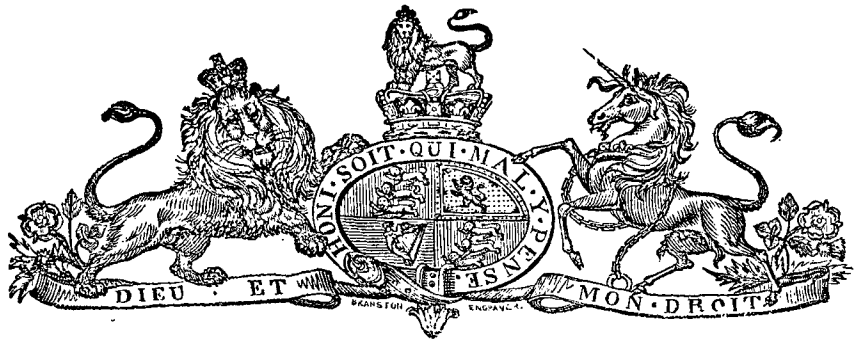
VIII. And be it enacted, That if any Person acting as an Auctioneer, and by this Act required to take out a Licence as a Person exercising or carrying on the Trade or Business of an Auctioneer, does not at the Time of any Sale by Auction, on demand of any Officer of Excise or Customs, or any Officer of Stamps and Taxes, produce and show to such Officer a proper Licence to him granted under this Act, and then in force, or does not immediately deposit with such Officer the Sum of Ten Pounds, every such Person may be arrested and detained by any Officer of the Peace as herein-after mentioned; and every Officer of the Peace shall, at the Request of any such Officer as first aforesaid, at the Termination of such Sale, or sooner if convenient, arrest and convey such Person before some one of Her Majesty's Justices of the Peace of the County or Place where such Sale has been held, and such Justice shall examine into the Fact or Facts charged, and upon Proof, either by Confession of the Party offending or by the Oath of One or more credible Witness or Witnesses (which Oath the said Justice is hereby empowered to administer), that the Person so brought before him did act as an Auctioneer as aforesaid, and did not produce such Licence, or deposit such Sum of Money as aforesaid, shall, by Warrant under his Hand, commit such Offender to the Common Gaol or House of Correction for the County or Place where the said Sale has been held, for any Time not exceeding One Calendar Month from the Day of such Commitment; and no such Imprisonment, nor the Deposit of such Sum of Money as aforesaid, shall in any Manner prejudice or affect any Proceedings afterwards instituted for Recovery of the Penalty incurred by such Person for acting as an Auctioneer at such Sale as aforesaid without the Licence by this Act directed; but if any Person, having so deposited such Sum of Money as aforesaid, at any Time before the Expiration of One Week from the Date of such Sale as aforesaid produces to the Officer with whom he deposited the same a proper Licence to him granted and in force as an Auctioneer before and at such Sale, every such Officer shall immediately thereupon repay to such Person the full Sum so deposited with him; if otherwise, every such Officer shall at the Expiration of the said

Week account for all such Money to the Commissioners of Excise, or such Person as they may appoint to receive the same.

Act may be altered this Session.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XVI.

An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature.

[8th *May* 1845.]

WHEREAS it is expedient to comprise in One general Act sundry Provisions relating to the Constitution and Management of Joint Stock Companies, usually introduced into Acts of Parliament authorizing the Execution of Undertakings of a public Nature by such Companies, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall apply to every Joint Stock Company which shall by any Act which shall hereafter be passed be incorporated for the Purpose of carrying on any Undertaking, and this Act shall be incorporated with such Act; and all the Clauses and Provisions of this Act, save so far as they shall be expressly varied or excepted by any

Act to apply to all Companies incorporated by Acts hereafter to be passed.

any such Act, shall apply to the Company which shall be incorporated by such Act, and to the Undertaking for carrying on which such Company shall be incorporated, so far as the same shall be applicable thereto respectively; and such Clauses and Provisions, as well as the Clauses and Provisions of every other Act which shall be incorporated with such Act, shall, save as aforesaid, form Part of such Act, and be construed together therewith as forming One Act.

Interpretations in this Act:

II. And with respect to the Construction of this Act, and of other Acts to be incorporated therewith, be it enacted as follows:

"the special Act:"

The Expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed incorporating a Joint Stock Company for the Purpose of carrying on any Undertaking, and with which this Act shall be so incorporated as aforesaid; and the Word "prescribed" used in this Act, in reference to any Matter herein stated, shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act; and the Sentence in which such Word shall occur shall be construed as if instead of the Word "prescribed" the Expression "prescribed for that Purpose in the special Act" had been used; and the Expression "the Undertaking" shall mean the Undertaking or Works, of whatever Nature, which shall by the special Act be authorized to be executed.

"prescribed:"

"the Undertaking."

Interpretations in this and the special Act:

III. The following Words and Expressions both in this and the special Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or the Context repugnant to such Construction; (that is to say,)

Number: Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include the Singular Number:

Gender: Words importing the Masculine Gender only shall include Females:

"Lands:" The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

"Lease:" The Word "Lease" shall include an Agreement for a Lease:

"Month:" The Word "Month" shall mean Calendar Month:

"Superior Courts:" The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster* or *Dublin*, as the Case may require:

"Oath:" The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath:

"County:" The Word "County" shall include any Riding or other like Division of a County, and shall also include County of a City or County of a Town:

"Justice:" The Word "Justice" shall mean Justice of the Peace acting for the County, City, Borough, Liberty, Cinque Port, or other Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where any Matter shall be authorized or required to be done by

"Two Justices:" Two Justices the Expression "Two Justices" shall be understood to mean Two Justices assembled and acting together in Petty Sessions:

The

The Expression "the Company" shall mean the Company constituted by the special Act: "The Company:"

The Expression "the Directors" shall mean the Directors of the Company, and shall include all Persons having the Direction of the Undertaking, whether under the Name of Directors, Managers, Committee of Management, or under any other Name: "Directors:"

The Word "Shareholder" shall mean Shareholder, Proprietor, or Member of the Company; and in referring to any such Shareholder, Expressions properly applicable to a Person shall be held to apply to a Corporation: And "Shareholder:"

The Expression "the Secretary" shall mean the Secretary of the Company, and shall include the Word "Clerk." "Secretary."

IV. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Companies Clauses Consolidation Act, 1845." Short Title of the Act.

V. And whereas it may be convenient in some Cases to incorporate with Acts of Parliament hereafter to be passed some Portion only of the Provisions of this Act; be it therefore enacted, That for the Purpose of making any such Incorporation it shall be sufficient in any such Act to enact that the Clauses and Provisions of this Act, with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act in the Words introductory to the Enactment with respect to such Matter), shall be incorporated with such Act; and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate. Form in which Portions of this Act may be incorporated with other Acts.

And with respect to the Distribution of the Capital of the Company into Shares, be it enacted as follows: *Distribution of Capital.*

VI. The Capital of the Company shall be divided into Shares of the prescribed Number and Amount; and such Shares shall be numbered in arithmetical Progression, beginning with Number One; and every such Share shall be distinguished by its appropriate Number. Capital to be divided into Shares.

VII. All Shares in the Undertaking shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate. Shares to be Personal Estate.

VIII. Every Person who shall have subscribed the prescribed Sum or upwards to the Capital of the Company, or shall otherwise have become entitled to a Share in the Company, and whose Name shall have been entered on the Register of Shareholders herein-after mentioned, shall be deemed a Shareholder of the Company. Shareholders.

IX. The Company shall keep a Book, to be called the "Register of Shareholders;" and in such Book shall be fairly and distinctly entered, Registry of Shareholders.

Distribution of Capital.

entered, from Time to Time, the Names of the several Corporations, and the Names and Additions of the several Persons entitled to Shares in the Company, together with the Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number, and the Amount of the Subscriptions paid on such Shares, and the Surnames or Corporate Names of the said Shareholders shall be placed in alphabetical Order; and such Book shall be authenticated by the Common Seal of the Company being affixed thereto; and such Authentication shall take place at the First Ordinary Meeting, or at the next subsequent Meeting of the Company, and so from Time to Time at each Ordinary Meeting of the Company.

Addresses of Shareholders.

X. In addition to the said Register of Shareholders, the Company shall provide a Book, to be called the "Shareholders Address Book," in which the Secretary shall from Time to Time enter in alphabetical Order the Corporate Names and Places of Business of the several Shareholders of the Company, being Corporations, and the Surnames of the several other Shareholders with their respective Christian Names, Places of Abode, and Descriptions, so far as the same shall be known to the Company; and every Shareholder, or if such Shareholder be a Corporation the Clerk or Agent of such Corporation, may at all convenient Times peruse such Book *gratis*, and may require a Copy thereof or of any Part thereof; and for every Hundred Words so required to be copied, the Company may demand a Sum not exceeding Sixpence.

Certificates of Shares to be issued to the Shareholders.

XI. On Demand of the Holder of any Share the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder; and such Certificate shall have the Common Seal of the Company affixed thereto; and such Certificate shall specify the Share in the Undertaking to which such Shareholder is entitled; and the same may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect; and for such Certificate the Company may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed, then a Sum not exceeding Two Shillings and Sixpence.

Certificate to be Evidence.

XII. The said Certificate shall be admitted in all Courts as *primâ facie* Evidence of the Title of such Shareholder, his Executors, Administrators, Successors, or Assigns, to the Share therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof.

Certificate to be renewed when destroyed.

XIII. If any such Certificate be worn out or damaged, then, upon the same being produced at some Meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate, and of the Share therein mentioned, shall be at the Time vested; or if such Certificate be lost or destroyed, then, upon Proof thereof to the Satisfaction of the Directors, a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Secretary in the Register of Shareholders; and for every such Certificate so given or exchanged the

Company may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed, then a Sum not exceeding Two Shillings and Sixpence.

Transfer of Shares.

And with respect to the Transfer or Transmission of Shares, be it enacted as follows:

Transfer of Shares to be by Deed duly stamped.

XIV. Subject to the Regulations herein or in the special Act contained, every Shareholder may sell and transfer all or any of his Shares in the Undertaking, or all or any Part of his Interest in the Capital Stock of the Company, in case such Shares shall, under the Provision herein-after contained, be consolidated into Capital Stock; and every such Transfer shall be by Deed duly stamped, in which the Consideration shall be truly stated; and such Deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Transfers of Shares to be registered, &c.

XV. The said Deed of Transfer (when duly executed) shall be delivered to the Secretary, and be kept by him; and the Secretary shall enter a Memorial thereof in a Book to be called the "Register of Transfers," and shall endorse such Entry on the Deed of Transfer, and shall, on Demand, deliver a new Certificate to the Purchaser; and for every such Entry, together with such Endorsement and Certificate, the Company may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed, then a Sum not exceeding Two Shillings and Sixpence; and on the Request of the Purchaser of any Share an Endorsement of such Transfer shall be made on the Certificate of such Share, instead of a new Certificate being granted; and such Endorsement, being signed by the Secretary, shall be considered in every respect the same as a new Certificate; and until such Transfer has been so delivered to the Secretary as aforesaid the Vendor of the Share shall continue liable to the Company for any Calls that may be made upon such Share, and the Purchaser of the Share shall not be entitled to receive any Share of the Profits of the Undertaking, or to vote in respect of such Share.

Transfer not to be made until Calls paid.

XVI. No Shareholder shall be entitled to transfer any Share, after any Call shall have been made in respect thereof, until he shall have paid such Call, nor until he shall have paid all Calls for the Time being due on every Share held by him.

Closing of Transfer Books.

XVII. It shall be lawful for the Directors to close the Register of Transfers for the prescribed Period, or if no Period be prescribed, then for a Period not exceeding Fourteen Days previous to each Ordinary Meeting, and they may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper as after mentioned; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

Transmission of Shares by other Means than Transfer to be authenticated by a Declaration.

XVIII. If the Interest in any Share have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other lawful Means than by a Transfer according to the Provisions of this or the special Act, such Transmission shall be authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Directors shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Justice, or before a Master or Master Extraordinary of the High Court of Chancery; and such Declaration shall be left with the Secretary, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register of Shareholders; and for every such Entry the Company may demand any Sum not exceeding the prescribed Amount, and where no Amount shall be prescribed then not exceeding Five Shillings; and until such Transmission has been so authenticated no Person claiming by virtue of any such Transmission shall be entitled to receive any Share of the Profits of the Undertaking, nor to vote in respect of any such Share as the Holder thereof.

Proof of Transmission by Marriage, Will, &c.

XIX. If such Transmission be by virtue of the Marriage of a Female Shareholder, the said Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any testamentary Instrument, or by Intestacy, the Probate of the Will or the Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Secretary; and upon such Production in either of the Cases aforesaid the Secretary shall make an Entry of the Declaration in the said Register of Transfers.

Company not bound to regard Trusts.

XX. The Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject; and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company, or if it stands in the Names of more Parties than One, the Receipt of One of the Parties named in the Register of Shareholders, shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trusts to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Payment of Calls.

And with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, be it enacted as follows:

Subscriptions to be paid when called for.

XXI. The several Persons who have subscribed any Money towards the Undertaking, or their legal Representatives, respectively, shall pay the Sums respectively so subscribed, or such Portions

thereof

thereof as shall from Time to Time be called for by the Company, at such Times and Places as shall be appointed by the Company; and with respect to the Provisions herein or in the special Act contained for enforcing the Payment of Calls, the Word "Shareholder" shall extend to and include the legal personal Representatives of such Shareholder. *Payment of Calls.*

XXII. It shall be lawful for the Company from Time to Time to make such Calls of Money upon the respective Shareholders, in respect of the Amount of Capital respectively subscribed or owing by them, as they shall think fit, provided that Twenty-one Days Notice at the least be given of each Call, and that no Call exceed the prescribed Amount, if any, and that successive Calls be not made at less than the prescribed Interval, if any, and that the aggregate Amount of Calls made in any One Year do not exceed the prescribed Amount, if any; and every Shareholder shall be liable to pay the Amount of the Calls so made, in respect of the Shares held by him, to the Persons and at the Times and Places from Time to Time appointed by the Company. Power to make Calls.

XXIII. If, before or on the Day appointed for Payment, any Shareholder do not pay the Amount of any Call to which he is liable, then such Shareholder shall be liable to pay Interest for the same at the Rate allowed by Law from the Day appointed for the Payment thereof to the Time of the actual Payment. Interest to be paid on Calls unpaid.

XXIV. It shall be lawful for the Company, if they think fit, to receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Principal Monies so paid in advance, or so much thereof as from Time to Time shall exceed the Amount of the Calls then made upon the Shares in respect of which such Advance shall be made, the Company may pay Interest at such Rate, not exceeding the legal Rate of Interest for the Time being, as the Shareholder paying such Sum in advance and the Company shall agree upon. Power to allow Interest on Payment of Subscriptions before Call.

XXV. If at the Time appointed by the Company for the Payment of any Call any Shareholder fail to pay the Amount of such Call, it shall be lawful for the Company to sue such Shareholder for the Amount thereof, in any Court of Law or Equity having competent Jurisdiction, and to recover the same, with lawful Interest, from the Day on which such Call was payable. Enforcement of Calls by Action.

XXVI. In any Action or Suit to be brought by the Company against any Shareholder to recover any Money due for any Call it shall not be necessary to set forth the special Matter, but it shall be sufficient for the Company to declare that the Defendant is the Holder of One Share or more in the Company (stating the Number of Shares), and is indebted to the Company in the Sum of Money to which the Calls in arrear shall amount in respect of One Call or more upon One Share or more (stating the Number and Amount Declaration in Action for Calls.

Payment of Calls.

Amount of each of such Calls), whereby an Action hath accrued to the Company by virtue of this and the special Act.

Matter to be proved in Action for Calls.

XXVII. On the Trial or Hearing of such Action or Suit it shall be sufficient to prove that the Defendant at the Time of making such Call was a Holder of One Share or more in the Undertaking, and that such Call was in fact made, and such Notice thereof given as is directed by this or the special Act; and it shall not be necessary to prove the Appointment of the Directors who made such Call, nor any other Matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon, unless it shall appear either that any such Call exceeds the prescribed Amount, or that due Notice of such Call was not given, or that the prescribed Interval between Two successive Calls had not elapsed, or that Calls amounting to more than the Sum prescribed for the total Amount of Calls in One Year had been made within that Period.

Proof of Proprietorship.

XXVIII. The Production of the Register of Shareholders shall be *primâ facie* Evidence of such Defendant being a Shareholder, and of the Number and Amount of his Shares.

Nonpayment of Calls.

And with respect to the Forfeiture of Shares for Nonpayment of Calls, be it enacted as follows:

Forfeiture of Shares for Nonpayment of Calls.

XXIX. If any Shareholder fail to pay any Call payable by him, together with the Interest, if any, that shall have accrued thereon, the Directors, at any Time after the Expiration of Two Months from the Day appointed for Payment of such Call, may declare the Share in respect of which such Call was payable forfeited, and that whether the Company have sued for the Amount of such Call or not.

Notice of Forfeiture to be given before Declaration thereof.

XXX. Before declaring any Share forfeited the Directors shall cause Notice of such Intention to be left at or transmitted by the Post to the usual or last Place of Abode of the Person appearing by the Register of Shareholders to be the Proprietor of such Share; and if the Holder of any such Share be abroad, or if his usual or last Place of Abode be not known to the Directors, by reason of its being imperfectly described in the Shareholders Address Book, or otherwise, or if the Interest in any such Share shall be known by the Directors to have become transmitted otherwise than by Transfer, as herein-before mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted, or may for the Time being belong, shall not be known to the Directors, the Directors shall give public Notice of such Intention in the *London* or *Dublin Gazette*, according as the Company's principal Place of Business shall be situate in *England* or *Ireland*, and also in some Newspaper, as after mentioned; and the several Notices aforesaid shall be given Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture.

XXXI. The

XXXI. The said Declaration of Forfeiture shall not take effect so as to authorize the Sale or other Disposition of any Share until such Declaration have been confirmed at some General Meeting of the Company to be held after the Expiration of Two Months at the least from the Day on which such Notice of Intention to make such Declaration of Forfeiture shall have been given; and it shall be lawful for the Company to confirm such Forfeiture at any such Meeting, and by an Order at such Meeting, or at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of. Forfeiture to be confirmed by a General Meeting.

XXXII. After such Confirmation as aforesaid it shall be lawful for the Directors to sell the forfeited Share, either by public Auction or private Contract, and if there be more than One such forfeited Share, then either separately or together, as to them shall seem fit; and any Shareholder may purchase any forfeited Share so sold. Sale of forfeited Shares.

XXXIII. A Declaration in Writing, by some credible Person not interested in the Matter, made before any Justice, or before any Master or Master Extraordinary of the High Court of Chancery, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was declared and confirmed in manner herein-before required, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of the Treasurer of the Company for the Price of such Share, shall constitute a good Title to such Share; and a Certificate of Proprietorship shall be delivered to such Purchaser, and thereupon he shall be deemed the Holder of such Share, discharged from all Calls due prior to such Purchase; and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to such Sale. Evidence as to Forfeiture of Shares.

XXXIV. The Company shall not sell or transfer more of the Shares of any such Defaulter than will be sufficient, as nearly as can be ascertained at the Time of such Sale, to pay the Arrears then due from such Defaulter on account of any Calls, together with Interest, and the Expences attending such Sale and Declaration of Forfeiture; and if the Money produced by the Sale of any such forfeited Shares be more than sufficient to pay all Arrears of Calls and Interest thereon due at the Time of such Sale, and the Expences attending the Declaration of Forfeiture and Sale thereof, the Surplus shall, on Demand, be paid to the Defaulter. No more Shares to be sold than sufficient for Payment of Calls.

XXXV. If Payment of such Arrears of Calls and Interest and Expences be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the Party to whom the same belonged before such Forfeiture, in such Manner as if such Calls had been duly paid. On Payment of Calls before Sale the forfeited Shares to revert.

Remedies against Shareholders.

And with respect to the Remedies of Creditors of the Company against the Shareholders, be it enacted as follows:

Execution against Shareholders to the Extent of their Shares in Capital not paid up.

XXXVI. If any Execution, either at Law or in Equity, shall have been issued against the Property or Effects of the Company, and if there cannot be found sufficient whereon to levy such Execution, then such Execution may be issued against any of the Shareholders to the Extent of their Shares respectively in the Capital of the Company not then paid up: Provided always, that no such Execution shall issue against any Shareholder except upon an Order of the Court in which the Action, Suit, or other Proceeding shall have been brought or instituted, made upon Motion in open Court after sufficient Notice in Writing to the Persons sought to be charged; and upon such Motion such Court may order Execution to issue accordingly; and for the Purpose of ascertaining the Names of the Shareholders, and the Amount of Capital remaining to be paid upon their respective Shares, it shall be lawful for any Person entitled to any such Execution, at all reasonable Times, to inspect the Register of Shareholders without Fee.

Reimbursement of such Shareholders.

XXXVII. If by means of any such Execution any Shareholder shall have paid any Sum of Money beyond the Amount then due from him in respect of Calls, he shall forthwith be reimbursed such additional Sum by the Directors out of the Funds of the Company.

Power to borrow Money.

And with respect to the borrowing of Money by the Company on Mortgage or Bond, be it enacted as follows:

Power to borrow Money.

XXXVIII. If the Company be authorized by the special Act to borrow Money on Mortgage or Bond, it shall be lawful for them, subject to the Restrictions contained in the special Act, to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time, by an Order of a General Meeting of the Company, be authorized to be borrowed, not exceeding in the whole the Sum prescribed by the special Act, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Undertaking, and the future Calls on the Shareholders, or to give Bonds in manner hereinafter mentioned.

Power to re-borrow.

XXXIX. If, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of re-borrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so reborrowed in order to pay off any existing Mortgage or Bond.

Evidence of Authority for borrowing.

XL. Where by the special Act the Company shall be restricted from borrowing any Money on Mortgage or Bond until a definite Portion of their Capital shall be subscribed or paid up, or where by this or the special Act the Authority of a General Meeting is required for such borrowing, the Certificate of a Justice that such definite Portion of the Capital has been subscribed or paid up, and

a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors or by the Secretary to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be subscribed or paid up having been so subscribed or paid up, and of the Order for borrowing Money having been made; and upon Production to any Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, such Justice shall grant the Certificate aforesaid. *Power to borrow Money.*

XLI. Every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form in the Schedule (C.) or (D.) to this Act annexed, or to the like Effect. Mortgages and Bonds to be stamped.

XLII. The respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgages, and of the future Calls payable by the Shareholders, if comprised therein, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized. Rights of Mortgagees.

XLIII. No such Mortgage (although it should comprise future Calls on the Shareholders) shall, unless expressly so provided, preclude the Company from receiving and applying to the Purposes of the Company any Calls to be made by the Company. Application of Calls, notwithstanding Mortgage.

XLIV. The respective Obligees in such Bonds shall, proportionally according to the Amount of the Monies secured thereby, be entitled to be paid, out of the Tolls or other Property or Effects of the Company, the respective Sums in such Bonds mentioned, and thereby intended to be secured, without any Preference one above another by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise howsoever. Rights of Obligees.

XLV. A Register of Mortgages and Bonds shall be kept by the Secretary, and within Fourteen Days after the Date of any such Mortgage or Bond an Entry or Memorial, specifying the Number and Date of such Mortgage or Bond, and the Sums secured thereby, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any of the Shareholders, or by any Mortgagee or Bond Creditor of the Company, or by any Person interested in any such Mortgage or Bond, without Fee or Reward. Register of Mortgages and Bonds.

XLVI. Any Party entitled to any such Mortgage or Bond may from Time to Time transfer his Right and Interest therein to any other Person; and every such Transfer shall be by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfers of Mortgages and Bonds to be stamped.

Power to borrow Money.

such Transfer may be according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect.

Transfers of Mortgages and Bonds to be registered.

XLVII. Within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Secretary, and thereupon the Secretary shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee to the full Benefit of the original Mortgage or Bond in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Company may demand a Sum not exceeding the prescribed Sum, or, where no Sum shall be prescribed, the Sum of Two Shillings and Sixpence; and until such Entry the Company shall not be in any Manner responsible to the Transferee in respect of such Mortgage.

Payment of Interest on Monies borrowed.

XLVIII. The Interest of the Money borrowed upon any such Mortgage or Bond shall be paid at the Periods appointed in such Mortgage or Bond, and if no Period be appointed, half-yearly, to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company.

Transfers of Interest to be stamped.

XLIX. The Interest on any such Mortgage or Bond shall not be transferable, except by Deed duly stamped.

Repayment of Money borrowed at a Time fixed.

L. The Company may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof, and in such Case the Company shall cause such Period to be inserted in the Mortgage Deed or Bond; and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall, on Demand, be paid to the Party entitled to such Mortgage or Bond; and if no other Place of Payment be inserted in such Mortgage Deed or Bond, such Principal and Interest shall be payable at the principal Office or Place of Business of the Company.

Repayment of Money borrowed where no Time fixed.

LI. If no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Company may at any Time pay off the Money borrowed, on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee or Bond Creditor shall be delivered to the Secretary or left at the principal Office of the Company, and if given by the Company shall be given either personally to such Mortgagee or Bond Creditor or left at his Residence, or if such Mortgagee or Bond Creditor be unknown to the Directors, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the

London

London or *Dublin Gazette*, according as the principal Office of the Company shall be in *England* or *Ireland*, and in some Newspaper as after mentioned. *Power to borrow Money.*

LII. If the Company shall have given Notice of their Intention to pay off any such Mortgage or Bond at a Time when the same may lawfully be paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable on such Mortgage or Bond, unless, on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the Company shall fail to pay the Principal and Interest due at the Expiration of such Notice on such Mortgage or Bond. Interest to cease on Expiration of Notice to pay off Mortgage or Bond.

LIII. Where by the special Act the Mortgagees of the Company shall be empowered to enforce the Payment of the Arrears of Interest, or the Arrears of Principal and Interest, due on such Mortgages, by the Appointment of a Receiver, then, if within Thirty Days after the Interest accruing upon any such Mortgage has become payable, and, after Demand thereof in Writing, the same be not paid, the Mortgagee may, without Prejudice to his Right to sue for the Interest so in arrear in any of the Superior Courts of Law or Equity, require the Appointment of a Receiver, by an Application to be made as herein-after provided; and if within Six Months after the Principal Money owing upon any such Mortgage has become payable, and after Demand thereof in Writing, the same be not paid, the Mortgagee, without Prejudice to his Right to sue for such Principal Money, together with all Arrears of Interest, in any of the Superior Courts of Law or Equity, may, if his Debt amount to the prescribed Sum alone, or if his Debt does not amount to the prescribed Sum, he may, in conjunction with other Mortgagees whose Debts, being so in arrear, after Demand as aforesaid, shall, together with his, amount to the prescribed Sum, require the Appointment of a Receiver, by an Application to be made as herein-after provided. Arrears of Interest, when to be enforced by Appointment of a Receiver. Arrears of Principal and Interest.

LIV. Every Application for a Receiver in the Cases aforesaid shall be made to Two Justices, and on any such Application it shall be lawful for such Justices, by Order in Writing, after hearing the Parties, to appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed; and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease. Appointment of Receiver.

Access to Account Books by Mortgagees.

LV. At all seasonable Times the Books of Account of the Company shall be open to the Inspection of the respective Mortgagees and Bond Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

Loans.

And with respect to the Conversion of the borrowed Money into Capital, be it enacted as follows:

Power to convert Loan into Capital.

LVI. It shall be lawful for the Company, if they think fit, unless it be otherwise provided by the special Act, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same, or, having borrowed the same, to continue at Interest only a Part of such additional Sum, and to raise Part thereof by creating new Shares; but no such Augmentation of Capital as aforesaid shall take place without the previous Authority of a General Meeting of the Company.

New Shares to be considered same as original Shares.

LVII. The Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Shares at Premium new Shares to be offered to the Shareholders.

LVIII. If at the Time of any such Augmentation of Capital taking place by the Creation of new Shares the then existing Shares be at a Premium, or of greater actual Value than the nominal Value thereof, then, unless it be otherwise provided by the special Act, the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively; and such new Shares shall be offered to the then Shareholders in the Proportion aforesaid; and such Offer shall be made by Letter under the Hand of the Secretary given to or sent by Post, addressed to each Shareholder according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode.

Shares to vest in the Parties accepting; otherwise to be disposed of by the Directors.

LIX. The said new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deem most for the Advantage of the Company.

If not at a Premium, to be issued as

LX. If at the Time of such Augmentation of Capital taking place the existing Shares be not at a Premium, then such new Shares may be

be of such Amount, and may be issued in such Manner and on such Terms, as the Company shall think fit. Company think fit.

Consolidation of Shares.

And with respect to the Consolidation of the Shares into Stock, be it enacted as follows:

Power to consolidate Shares into Stock.

LXI. It shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of the Company, when due Notice for that Purpose shall have been given, to convert or consolidate all or any Part of the Shares then existing in the Capital of the Company, and in respect whereof the whole Money subscribed shall have been paid up, into a General Capital Stock, to be divided amongst the Shareholders according to their respective Interests therein.

Proprietors of Stock may transfer the same.

LXII. After such Conversion or Consolidation shall have taken place all the Provisions contained in this or the special Act which require or imply that the Capital of the Company shall be divided into Shares of any fixed Amount, and distinguished by Numbers, shall, as to so much of the Capital as shall have been so converted or consolidated into Stock, cease and be of no Effect, and the several Holders of such Stock may thenceforth transfer their respective Interests therein, or any Parts of such Interests, in the same Manner and subject to the same Regulations and Provisions as or according to which any Shares in the Capital of the Company might be transferred under the Provisions of this or the special Act; and the Company shall cause an Entry to be made in some Book, to be kept for that Purpose, of every such Transfer; and for every such Entry they may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed a Sum not exceeding Two Shillings and Sixpence.

Register of Stock.

LXIII. The Company shall from Time to Time cause the Names of the several Parties who may be interested in any such Stock as aforesaid, with the Amount of the Interest therein possessed by them respectively, to be entered in a Book to be kept for the Purpose, and to be called "The Register of Holders of Consolidated Stock;" and such Book shall be accessible at all seasonable Times to the several Holders of Shares or Stock in the Undertaking.

Proprietors of Stock entitled to Dividends.

LXIV. The several Holders of such Stock shall be entitled to participate in the Dividends and Profits of the Company, according to the Amount of their respective Interests in such Stock, and such Interests shall, in proportion to the Amount thereof, confer on the Holders thereof respectively the same Privileges and Advantages, for the Purpose of voting at Meetings of the Company, Qualification for the Office of Directors, and for other Purposes, as would have been conferred by Shares of equal Amount in the Capital of the Company, but so that none of such Privileges or Advantages, except the Participation in the Dividends and Profits of the Company, shall be conferred by any aliquot Part of such Amount of Consolidated Stock as would not,

not, if existing in Shares, have conferred such Privileges or Advantages respectively.

Application of Capital.

LXV. And be it enacted, That all the Money raised by the Company, whether by Subscriptions of the Shareholders, or by Loan or otherwise, shall be applied, firstly, in paying the Costs and Expences incurred in obtaining the special Act, and all Expences incident thereto, and, secondly, in carrying the Purposes of the Company into execution.

General Meetings.

And with respect to the General Meetings of the Company, and the Exercise of the Right of Voting by the Shareholders, be it enacted as follows:

Ordinary Meetings to be held half-yearly.

LXVI. The First General Meeting of the Shareholders of the Company shall be held within the prescribed Time, or if no Time be prescribed, within One Month after the passing of the special Act, and the future General Meetings shall be held at the prescribed Periods, and if no Periods be prescribed, in the Months of *February* and *August* in each Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all Meetings, whether ordinary or extraordinary, shall be held in the prescribed Place, if any, and if no Place be prescribed, then at some Place to be appointed by the Directors.

Business at Ordinary Meetings.

LXVII. No Matters, except such as are appointed by this or the special Act to be done at an Ordinary Meeting, shall be transacted at any such Meeting, unless special Notice of such Matters have been given in the Advertisement convening such Meeting.

Extraordinary Meetings.

LXVIII. Every General Meeting of the Shareholders, other than an Ordinary Meeting, shall be called an "Extraordinary Meeting;" and such Meetings may be convened by the Directors at such Times as they think fit.

Business at Extraordinary Meetings.

LXIX. No Extraordinary Meeting shall enter upon any Business not set forth in the Notice upon which it shall have been convened.

Extraordinary Meetings may be required by Shareholders.

LXX. It shall be lawful for the prescribed Number of Shareholders, holding in the aggregate Shares to the prescribed Amount, or, where the Number of Shareholders or Amount of Shares shall not be prescribed, it shall be lawful for Twenty or more Shareholders holding in the aggregate not less than One Tenth of the Capital of the Company, by Writing under their Hands, at any Time to require the Directors to call an Extraordinary Meeting of the Company; and such Requisition shall fully express the Object of the Meeting required to be called, and shall be left at the Office of the Company, or given to at least Three Directors, or left at their last or usual Places of Abode; and forthwith upon the Receipt of such Requisition the Directors shall convene a Meeting

of the Shareholders; and if for Twenty-one Days after such Notice the Directors fail to call such Meeting, the prescribed Number, or such other Number as aforesaid, of Shareholders, qualified as aforesaid, may call such Meeting, by giving Fourteen Days public Notice thereof. *General Meetings.*

LXXI. Fourteen Days public Notice at the least of all Meetings, whether ordinary or extraordinary, shall be given by Advertisement, which shall specify the Place, the Day, and the Hour of Meeting; and every Notice of an Extraordinary Meeting, or of an Ordinary Meeting, if any other Business than the Business hereby or by the special Act appointed for Ordinary Meetings is to be done thereat, shall specify the Purpose for which the Meeting is called. Notice of Meetings.

LXXII. In order to constitute a Meeting (whether ordinary or extraordinary) there shall be present, either personally or by Proxy, the prescribed Quorum, and if no Quorum be prescribed then Shareholders holding in the aggregate not less than One Twentieth of the Capital of the Company, and being in Number not less than One for every Five hundred Pounds of such required Proportion of Capital, unless such Number would be more than Twenty, in which Case Twenty Shareholders holding not less than One Twentieth of the Capital of the Company, shall be the Quorum; and if within One Hour from the Time appointed for such Meeting the said Quorum be not present no Business shall be transacted at the Meeting, other than the declaring of a Dividend, in case that shall be one of the Objects of the Meeting, but such Meeting shall, except in the Case of a Meeting for the Election of Directors, hereinafter mentioned, be held to be adjourned *sine Die*. Quorum for a General Meeting.

LXXIII. At every Meeting of the Company one or other of the following Persons shall preside as Chairman; that is to say, the Chairman of the Directors, or in his Absence the Deputy Chairman (if any), or in the Absence of the Chairman and Deputy Chairman some one of the Directors of the Company to be chosen for that Purpose by the Meeting, or in the Absence of the Chairman and Deputy Chairman and of all the Directors, any Shareholder to be chosen for that Purpose by a Majority of the Shareholders present at such Meeting. Chairman at General Meetings.

LXXIV. The Shareholders present at any such Meeting shall proceed in the Execution of the Powers of the Company with respect to the Matters for which such Meeting shall have been convened, and those only; and every such Meeting may be adjourned from Time to Time, and from Place to Place; and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place. Business at Meetings and Adjournments.

LXXV. At all General Meetings of the Company every Shareholder shall be entitled to vote according to the prescribed Scale of Voting, and where no Scale shall be prescribed every Shareholder shall have One Vote for every Share up to Ten, and he shall have an additional Vote for every Five Shares beyond the first Ten Shares held. Votes of Shareholders.

General Meetings.

held by him up to One hundred, and an additional Vote for every Ten Shares held by him beyond the first Hundred Shares; provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then due upon the Shares held by him.

Manner of voting.

LXXVI. The Votes may be given either personally or by Proxies, being Shareholders, authorized by Writing according to the Form in the Schedule (F.) to this Act annexed, or in a Form to the like Effect, under the Hand of the Shareholder nominating such Proxy, or if such Shareholder be a Corporation, then under their Common Seal; and every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, including Proxies, the Chairman of the Meeting being entitled to vote, not only as a Principal and Proxy, but to have a casting Vote if there be an Equality of Votes.

Regulations as to Proxies.

LXXVII. No Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Secretary of the Company the prescribed Period, or, if no Period be prescribed, not less than Forty-eight Hours before the Time appointed for holding the Meeting at which such Proxy is to be used.

Votes of joint Shareholders.

LXXVIII. If several Persons be jointly entitled to a Share, the Person whose Name stands first in the Register of Shareholders as one of the Holders of such Share shall, for the Purpose of voting at any Meeting, be deemed the sole Proprietor thereof; and on all Occasions the Vote of such first-named Shareholder, either in Person or by Proxy, shall be allowed as the Vote in respect of such Share, without Proof of the Concurrence of the other Holders thereof.

Votes of Lunatics and Minors, &c.

LXXIX. If any Shareholder be a Lunatic or Idiot, such Lunatic or Idiot may vote by his Committee; and if any Shareholder be a Minor he may vote by his Guardian or any one of his Guardians; and every such Vote may be given either in Person or by Proxy.

Proof of a particular Majority of Votes only required in the Event of a Poll being demanded.

LXXX. Whenever in this or the special Act the Consent of any particular Majority of Votes at any Meeting of the Company is required in order to authorize any Proceeding of the Company, such particular Majority shall only be required to be proved in the event of a Poll being demanded at such Meeting; and if such Poll be not demanded, then a Declaration by the Chairman that the Resolution authorizing such Proceeding has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Authority for such Proceeding, without Proof of the Number or Proportion of Votes recorded in favour of or against the same.

Appointment and Rotation of Directors.

And with respect to the Appointment and Rotation of Directors, be it enacted as follows:

Number of Directors.

LXXXI. The Number of Directors shall be the prescribed Number.

LXXXII. Where

Power to vary the Number of Directors.

LXXXII. Where the Company shall be authorized by the special Act to increase or to reduce the Number of the Directors it shall be lawful for the Company, from Time to Time, in General Meeting, after due Notice for that Purpose, to increase or reduce the Number of the Directors within the prescribed Limits, if any, and to determine the Order of Rotation in which such reduced or increased Number shall go out of Office, and what Number shall be a Quorum at their Meetings.

Election of Directors.

LXXXIII. The Directors appointed by the special Act shall, unless thereby otherwise provided, continue in Office until the first Ordinary Meeting to be held in the Year next after that in which the special Act shall have passed; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by the special Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by the special Act being eligible as Members of such new Body; and at the first Ordinary Meeting to be held every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions herein-after contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, as herein-after mentioned.

Existing Directors continued on failure of Meeting for Election of Directors.

LXXXIV. If at any Meeting at which an Election of Directors ought to take place the prescribed Quorum shall not be present within One Hour from the Time appointed for the Meeting no Election of Directors shall be made, but such Meeting shall stand adjourned to the following Day at the same Time and Place; and if at the Meeting so adjourned the prescribed Quorum be not present within One Hour from the Time appointed for the Meeting the existing Directors shall continue to act and retain their Powers until new Directors be appointed at the first Ordinary Meeting of the following Year.

Qualification of Directors.

LXXXV. No Person shall be capable of being a Director unless he be a Shareholder, nor unless he be possessed of the prescribed Number, if any, of Shares; and no Person holding an Office or Place of Trust or Profit under the Company, or interested in any Contract with the Company, shall be capable of being a Director; and no Director shall be capable of accepting any other Office or Place of Trust or Profit under the Company, or of being interested in any Contract with the Company, during the Time he shall be a Director.

Cases in which Office of Director shall become vacant.

LXXXVI. If any of the Directors at any Time subsequently to his Election accept or continue to hold any other Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Work to be done for the Company,

Appointment and Rotation of Directors.

pany, or if such Director at any Time cease to be a Holder of the prescribed Number of Shares in the Company, then in any of the Cases aforesaid the Office of such Director shall become vacant, and thenceforth he shall cease from voting or acting as a Director.

Shareholder of an incorporated Joint Stock Company not disqualified by reason of Contracts.

LXXXVII. Provided always, that no Person, being a Shareholder or Member of any incorporated Joint Stock Company, shall be disqualified or prevented from acting as a Director by reason of any Contract entered into between such Joint Stock Company and the Company incorporated by the special Act; but no such Director, being a Shareholder or Member of such Joint Stock Company, shall vote on any Question as to any Contract with such Joint Stock Company.

Rotation of Directors.

LXXXVIII. The Directors appointed by the special Act, and continued in Office as aforesaid, or the Directors elected to supply the Places of those retiring as aforesaid, shall, subject to the Provision herein-before contained for increasing or reducing the Number of Directors, retire from Office at the Times and in the Proportions following, the Individuals to retire being in each Instance determined by Ballot among the Directors, unless they shall otherwise agree; (that is to say,)

At the End of the First Year after the First Election of Directors the prescribed Number, and if no Number be prescribed One Third of such Directors, to be determined by Ballot among themselves, unless they shall otherwise agree, shall go out of Office:

At the End of the Second Year the prescribed Number, and if no Number be prescribed One Half of the remaining Number of such Directors, to be determined in like Manner, shall go out of Office:

At the End of the Third Year the prescribed Number, and if no Number be prescribed the Remainder of such Directors, shall go out of Office:

And in each Instance the Places of the retiring Directors shall be supplied by an equal Number of qualified Shareholders; and at the First Ordinary Meeting in every subsequent Year the prescribed Number, and if no Number be prescribed One Third of the Directors, being those who have been longest in Office, shall go out of Office, and their Places shall be supplied in like Manner; nevertheless every Director so retiring from Office may be re-elected immediately or at any future Time, and after such Re-election shall, with reference to the going out by Rotation, be considered as a new Director: Provided always, that if the prescribed Number of Directors be some Number not divisible by Three, and the Number of Directors to retire be not prescribed, the Directors shall in each Case determine what Number of Directors, as nearly One Third as may be, shall go out of Office, so that the whole Number shall go out of Office in Three Years.

Supply of occasional Vacancies in

LXXXIX. If any Director die, or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid, the

the remaining Directors, if they think proper so to do, may elect in his Place some other Shareholder, duly qualified, to be a Director; and the Shareholder so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office. Office of Directors.

Powers of Directors.

And with respect to the Powers of the Directors, and the Powers of the Company to be exercised only in General Meeting, be it enacted as follows:

Powers of the Company to be exercised by the Directors.

XC. The Directors shall have the Management and Superintendence of the Affairs of the Company, and they may lawfully exercise all the Powers of the Company, except as to such Matters as are directed by this or the special Act to be transacted by a General Meeting of the Company, but all the Powers so to be exercised shall be exercised in accordance with and subject to the Provisions of this and the special Act; and the Exercise of all such Powers shall be subject also to the Control and Regulation of any General Meeting specially convened for the Purpose, but not so as to render invalid any Act done by the Directors prior to any Resolution passed by such General Meeting.

Powers of the Company not to be exercised by the Directors.

XCI. Except as otherwise provided by the special Act, the following Powers of the Company, (that is to say,) the Choice and Removal of the Directors, except as herein-before mentioned, and the increasing or reducing of their Number where authorized by the special Act, the Choice of Auditors, the Determination as to the Remuneration of the Directors, Auditors, Treasurer, and Secretary, the Determination as to the Amount of Money to be borrowed on Mortgage, the Determination as to the Augmentation of Capital, and the Declaration of Dividends, shall be exercised only at a General Meeting of the Company.

Proceedings of Directors.

And with respect to the Proceedings and Liabilities of the Directors, be it enacted as follows:

Meetings of Directors.

XCII. The Directors shall hold Meetings at such Times as they shall appoint for the Purpose, and they may meet and adjourn as they think proper, from Time to Time, and from Place to Place; and at any Time any Two of the Directors may require the Secretary to call a Meeting of the Directors, and in order to constitute a Meeting of Directors there shall be present at the least the prescribed Quorum, and when no Quorum shall be prescribed there shall be present at least One Third of the Directors; and all Questions at any such Meeting shall be determined by the Majority of Votes of the Directors present, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his Vote as one of the Directors.

Permanent Chairman of Directors.

XCIII. At the First Meeting of Directors held after the passing of the special Act, and at the First Meeting of the Directors held after each annual Appointment of Directors, the Directors present at such

Proceedings of Directors.

Meeting shall choose one of the Directors to act as Chairman of the Directors for the Year following such Choice, and shall also, if they think fit, choose another Director to act as Deputy Chairman for the same Period; and if the Chairman or Deputy Chairman die or resign, or cease to be a Director, or otherwise become disqualified to act, the Directors present at the Meeting next after the Occurrence of such Vacancy shall choose some other of the Directors to fill such Vacancy; and every such Chairman or Deputy Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened.

Occasional Chairman of Directors.

XCIV. If at any Meeting of the Directors neither the Chairman nor Deputy Chairman be present the Directors present shall choose some one of their Number to be Chairman of such Meeting.

Committees of Directors.

Powers of Committees.

XCV. It shall be lawful for the Directors to appoint One or more Committees, consisting of such Number of Directors as they think fit, within the prescribed Limits, if any, and they may grant to such Committees respectively Power on behalf of the Company to do any Acts relating to the Affairs of the Company which the Directors could lawfully do, and which they shall from Time to Time think proper to intrust to them.

Meetings of Committees.

XCVI. The said Committees may meet from Time to Time, and may adjourn from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment; and no such Committee shall exercise the Powers intrusted to them except at a Meeting at which there shall be present the prescribed Quorum, or if no Quorum be prescribed then a Quorum to be fixed for that Purpose by the general Body of Directors; and at all Meetings of the Committees One of the Members present shall be appointed Chairman; and all Questions at any Meeting of the Committee shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his Vote as a Member of the Committee.

Contracts by Committee or Directors, how to be entered into.

XCVII. The Power which may be granted to any such Committee to make Contracts, as well as the Power of the Directors to make Contracts on behalf of the Company, may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing, and under Seal, such Committee or the Directors may make such Contract on behalf of the Company in Writing, and under the Common Seal of the Company, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing, and signed by the Parties to be charged therewith, then such Committee or the Directors may make such Contract on behalf of the Company

in Writing, signed by such Committee or any Two of them, or any Two of the Directors, and in the same Manner may vary or discharge the same: *Proceedings of Directors.*

With respect to any Contract which, if made between private Persons, would by Law be valid although made by Parol only, and not reduced into Writing, such Committee or the Directors may make such Contract on behalf of the Company by Parol only, without Writing, and in the same Manner may vary or discharge the same:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be; and on any Default in the Execution of any such Contract, either by the Company or any other Party thereto, such Actions or Suits may be brought, either by or against the Company, as might be brought had the same Contracts been made between private Persons only.

Proceedings to be entered in a Book, and to be Evidence.

XCVIII. The Directors shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the Directors, and of the Orders and Proceedings of all Meetings of the Company, and of the Directors and Committees of Directors, to be duly entered in Books, to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Directors; and every such Entry shall be signed by the Chairman of such Meeting; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Shareholders or Directors or Members of Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed, until the contrary be proved.

Informalities in Appointment of Directors not to invalidate Proceedings.

XCIX. All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.

Directors not to be personally liable.

C. No Director, by being Party to or executing in his Capacity of Director any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Directors, shall be subject to be sued or prosecuted, either individually or collectively, by any Person whomsoever; and the Bodies or Goods or Lands of the Directors shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them, or by reason of any other lawful Act done by them in the Execution of any of their Powers as Directors; and the Directors, their Heirs, Executors, and Administrators, shall be indemnified out of the Capital of the Company for all Payments

Indemnity of Directors.

Proceedings of Directors.

Payments made or Liability incurred in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being of the Company may apply the existing Funds and Capital of the Company for the Purposes of such Indemnity, and may, if necessary for that Purpose, make Calls of the Capital remaining unpaid, if any.

Auditors.

And with respect to the Appointment and Duties of Auditors, be it enacted as follows:

Election of Auditors.

CI. Except where by the special Act Auditors shall be directed to be appointed otherwise than by the Company, the Company shall, at the First Ordinary Meeting after the passing of the special Act, elect the prescribed Number of Auditors, and if no Number is prescribed Two Auditors, in like Manner as is provided for the Election of Directors; and at the First Ordinary Meeting of the Company in each Year thereafter the Company shall in like Manner elect an Auditor to supply the Place of the Auditor then retiring from Office, according to the Provision herein-after contained; and every Auditor elected as herein-before provided, being neither removed nor disqualified, nor having resigned, shall continue to be an Auditor until another be elected in his Stead.

Qualification of Auditors.

CII. Where no other Qualification shall be prescribed by the special Act, every Auditor shall have at least One Share in the Undertaking; and he shall not hold any Office in the Company, nor be in any other Manner interested in its Concerns, except as a Shareholder.

Rotation of Auditors.

CIII. One of such Auditors (to be determined in the first instance by Ballot between themselves, unless they shall otherwise agree, and afterwards by Seniority,) shall go out of Office at the First Ordinary Meeting in each Year; but the Auditor so going out shall be immediately re-eligible, and after any such Re-election shall, with respect to the going out of Office by Rotation, be deemed a new Auditor.

Vacancies in Office of Auditor.

CIV. If any Vacancy take place among the Auditors in the course of the current Year, then at any General Meeting of the Company the Vacancy may, if the Company think fit, be supplied by Election of the Shareholders.

Failure of Meeting to elect Auditor.

CV. The Provision of this Act respecting the Failure of an Ordinary Meeting at which Directors ought to be chosen shall apply, *mutatis mutandis*, to any Ordinary Meeting at which an Auditor ought to be appointed.

Delivery of Balance Sheet, &c. by Directors to Auditors.

CVI. The Directors shall deliver to such Auditors the half-yearly or other periodical Accounts and Balance Sheet, Fourteen Days at the least before the ensuing Ordinary Meeting at which the same are required to be produced to the Shareholders as herein-after provided,

CVII. It

CVII. It shall be the Duty of such Auditors to receive from the Directors the half-yearly or other periodical Accounts and Balance Sheet required to be presented to the Shareholders, and to examine the same. Duty of Auditors.

CVIII. It shall be lawful for the Auditors to employ such Accountants and other Persons as they may think proper, at the Expence of the Company, and they shall either make a special Report on the said Accounts, or simply confirm the same; and such Report or Confirmation shall be read, together with the Report of the Directors, at the Ordinary Meeting. Powers of Auditors.

Accountability of Officers.

And with respect to the Accountability of the Officers of the Company, be it enacted as follows:

CIX. Before any Person intrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer of the Company, shall enter upon his Office, the Directors shall take sufficient Security from him for the faithful Execution of his Office: Security to be taken from Officers intrusted with Money.

CX. Every Officer employed by the Company shall from Time to Time, when required by the Directors, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Company; and such Account shall state how, and to whom, and for what Purpose such Monies shall have been disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Directors, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts. Officers to account, on demand.

CXI. If any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Directors, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this or the special Act, or any Act incorporated therewith, or belonging to the Company, then, on Complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before Two or more Justices at a Time and Place to be set forth in such Summons, to answer such Charge; and upon the Appearance of such Officer, or in his Absence upon Proof that such Summons was personally served upon him, or left at his last known Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer or upon Evidence, or upon Inspection of the Account, that any Monies of the Company are in the Hands of such Officer, or owing by him to the Company, such Justices may order such Officer to pay the same; and if he fail to pay the Amount it shall be lawful for Summary Remedy against Parties failing to account.

Accountability of Officers.

such Justices to grant a Warrant to levy the same by Distress, or, in default thereof, to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months, unless the same be sooner paid.

Officers refusing to deliver up Documents, &c. to be imprisoned.

CXII. If any such Officer refuse to make out such Account in Writing, or to produce and deliver to the Justices the several Vouchers and Receipts relating thereto, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Company, such Justices may lawfully commit such Offender to Gaol, there to remain until he shall have delivered up all the Vouchers and Receipts, if any, in his Possession or Power, relating to such Accounts, and have delivered up all Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power, belonging to the Company.

Where Officer about to abscond a Warrant may be issued in the first instance.

CXIII. Provided always, that if any Director or other Person acting on behalf of the Company shall make Oath that he has good Reason to believe, upon Grounds to be stated in his Deposition, and does believe, that it is the Intention of any such Officer as aforesaid to abscond, it shall be lawful for the Justice before whom the Complaint is made, instead of issuing his Summons, to issue his Warrant for the bringing such Officer before such Two Justices as aforesaid; but no Person executing such Warrant shall keep such Officer in Custody longer than Twenty-four Hours, without bringing him before some Justice; and it shall be lawful for the Justice before whom such Officer may be brought either to discharge such Officer, if he think there is no sufficient Ground for his Detention, or to order such Officer to be detained in Custody, so as to be brought before Two Justices, at a Time and Place to be named in such Order, unless such Officer give Bail to the Satisfaction of such Justice for his Appearance before such Justices to answer the Complaint of the Company.

Sureties not to be discharged.

CXIV. No such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Company of any Remedy which they might otherwise have against such Officer, or any Surety of such Officer.

Accounts.

And with respect to the keeping of Accounts, and the Right of Inspection thereof by the Shareholders, be it enacted as follows:

Accounts to be kept.

CXV. The Directors shall cause full and true Accounts to be kept of all Sums of Money received or expended on account of the Company by the Directors and all Persons employed by or under them, and of the Matters and Things for which such Sums of Money shall have been received or disbursed and paid.

Books to be balanced.

CXVI. The Books of the Company shall be balanced at the prescribed Periods, and, if no Periods be prescribed, Fourteen Days at least before each Ordinary Meeting; and forthwith on the Books being so balanced an exact Balance Sheet shall be made up, which shall exhibit a true Statement of the Capital Stock, Credits, and

Property

Accounts.

Property of every Description belonging to the Company, and the Debts due by the Company at the Date of making such Balance Sheet, and a distinct View of the Profit or Loss which shall have arisen on the Transactions of the Company in the course of the preceding Half Year; and previously to each Ordinary Meeting such Balance Sheet shall be examined by the Directors, or any Three of their Number, and shall be signed by the Chairman or Deputy Chairman of the Directors.

Inspection of Accounts by Shareholders at stated Times.

CXVII. The Books so balanced, together with such Balance Sheet as aforesaid, shall for the prescribed Periods, and if no Periods be prescribed for Fourteen Days previous to each Ordinary Meeting, and for One Month thereafter, be open for the Inspection of the Shareholders at the principal Office or Place of Business of the Company; but the Shareholders shall not be entitled at any Time, except during the Periods aforesaid, to demand the Inspection of such Books, unless in virtue of a written Order signed by Three of the Directors.

Balance Sheet to be produced at the Meeting.

CXVIII. The Directors shall produce to the Shareholders assembled at such Ordinary Meeting the said Balance Sheet, applicable to the Period immediately preceding such Meeting, together with the Report of the Auditors thereon, as herein-before provided.

Book-keeper to allow Inspection of the Accounts at the appointed Times.

CXIX. The Directors shall appoint a Book-keeper to enter the Accounts aforesaid in Books to be provided for the Purpose; and every such Book-keeper shall permit any Shareholder to inspect such Books, and to take Copies or Extracts therefrom, at any reasonable Time during the prescribed Periods, and if no Periods be prescribed during One Fortnight before and One Month after every Ordinary Meeting; and if he fail to permit any such Shareholder to inspect such Books, or take Copies or Extracts therefrom, during the Periods aforesaid, he shall forfeit to such Shareholder for every such Offence a Sum not exceeding Five Pounds.

Dividends.

And with respect to the making of Dividends, be it enacted as follows:

Previously to Declaration of Dividends a Scheme to be prepared.

CXX. Previously to every Ordinary Meeting at which a Dividend is intended to be declared the Directors shall cause a Scheme to be prepared, showing the Profits, if any, of the Company for the Period current since the preceding Ordinary Meeting at which a Dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the Purposes of Dividend, among the Shareholders, according to the Shares held by them respectively, the Amount paid thereon, and the Periods during which the same may have been paid, and shall exhibit such Scheme at such Ordinary Meeting, and at such Meeting a Dividend may be declared according to such Scheme.

Dividend not to be made so as to reduce Capital.

CXXI. The Company shall not make any Dividend whereby their Capital Stock will be in any degree reduced: Provided always, that the Word "Dividend" shall not be construed to apply to a Return

Dividends.

Return of any Portion of the Capital Stock, with the Consent of all the Mortgagees and Bond Creditors of the Company, due Notice being given for that Purpose at an Extraordinary Meeting to be convened for that Object.

Power to Directors to set apart a Fund for Contingencies.

CXXII. Before apportioning the Profits to be divided among the Shareholders the Directors may, if they think fit, set aside thereout such Sum as they may think proper to meet Contingencies, or for enlarging, repairing, or improving the Works connected with the Undertaking, or any Part thereof, and may divide the Balance only among the Shareholders.

Dividend not to be paid unless all Calls paid.

CXXIII. No Dividend shall be paid in respect of any Share until all Calls then due in respect of that and every other Share held by the Person to whom such Dividend may be payable shall have been paid.

Bye Laws.

And with respect to the making of Bye Laws, be it enacted as follows:

Power to make Bye Laws for the Officers of the Company.

CXXIV. It shall be lawful for the Company from Time to Time to make such Bye Laws as they think fit, for the Purpose of regulating the Conduct of the Officers and Servants of the Company, and for providing for the due Management of the Affairs of the Company in all respects whatsoever, and from Time to Time to alter or repeal any such Bye Laws, and make others, provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have effect, or to the Provisions of this or the special Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and a Copy of such Bye Laws shall be given to every Officer and Servant of the Company affected thereby.

Fines for Breach of such Bye Laws.

CXXV. It shall be lawful for the Company, by such Bye Laws, to impose such reasonable Penalties upon all Persons, being Officers or Servants of the Company, offending against such Bye Laws, as the Company think fit, not exceeding Five Pounds for any One Offence.

Bye Laws to be so framed as that Penalties may be mitigated.

CXXVI. All the Bye Laws to be made by the Company shall be so framed as to allow the Justice before whom any Penalty imposed thereby may be sought to be recovered to order a Part only of such Penalty to be paid, if such Justice shall think fit.

Evidence of Bye Laws.

CXXVII. The Production of a written or printed Copy of the Bye Laws of the Company, having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of such Bye Laws in all Cases of Prosecution under the same.

Arbitration.

And with respect to the Settlement of Disputes by Arbitration, be it enacted as follows:

Appointment of

CXXVIII. When any Dispute authorized or directed by this or the special Act, or any Act incorporated therewith, to be settled by Arbitration,

Arbitration, shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbitrator, each Party, on the Request of the other Party, shall by Writing under his Hand nominate and appoint an Arbitrator to whom such Dispute shall be referred; and after any such Appointment shall have been made neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of either Party operate as such Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing shall have been served by the one Party on the other Party to appoint an Arbitrator, such last-mentioned Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties, and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute; and in such Case the Award or Determination of such single Arbitrator shall be final.

Arbitrator when Questions are to be determined by Arbitration.

CXXIX. If before the Matters so referred shall be determined any Arbitrator appointed by either Party die, or become incapable or refuse or for Seven Days neglect to act as Arbitrator, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place; and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death, Refusal, or Disability as aforesaid.

Vacancy of Arbitrator to be supplied.

CXXX. Where more than One Arbitrator shall have been appointed such Arbitrators shall, before they enter upon the Matters referred to them, nominate and appoint by Writing under their Hands an Umpire to decide on any such Matters on which they shall differ; and if such Umpire shall die, or refuse or for Seven Days neglect to act, they shall forthwith after such Death, Refusal, or Neglect appoint another Umpire in his Place; and the Decision of every such Umpire on the Matters so referred to him shall be final.

Appointment of Umpire.

CXXXI. If in either of the Cases aforesaid the said Arbitrators shall refuse, or shall, for Seven Days after Request of either Party to such Arbitration, neglect to appoint an Umpire, it shall be lawful for the Board of Trade, if they think fit, in any Case in which a Railway Company shall be one Party to the Arbitration, on the Application of either Party to such Arbitration, to appoint an Umpire; and the Decision of such Umpire on the Matters on which the Arbitrators shall differ shall be final.

Board of Trade empowered to appoint an Umpire, on Neglect of the Arbitrators, in case of Railway Companies.

CXXXII. The said Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Power of Arbitrators to call for Books, &c.

Costs to be in the Discretion of the Arbitrators.

CXXXIII. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the Costs of and attending every such Arbitration to be determined by the Arbitrators shall be in the Discretion of the Arbitrators or their Umpires, as the Case may be.

Submission to Arbitration to be made Rule of Court.

CXXXIV. The Submission to any such Arbitration may be made a Rule of any of the Superior Courts, on the Application of either of the Parties.

Notices.

And with respect to the giving of Notices, be it enacted as follows:

Service of Notices upon Company.

CXXXV. Any Summons or Notice, or any Writ, or other Proceeding, at Law or in Equity, requiring to be served upon the Company, may be served by the same being left at, or transmitted through the Post directed to the principal Office of the Company, or one of their principal Offices where there shall be more than one, or being given personally to the Secretary, or in case there be no Secretary then by being given to any one Director of the Company.

Service by Company on Shareholders.

CXXXVI. Notices requiring to be served by the Company upon the Shareholders may, unless expressly required to be served personally, be served by the same being transmitted through the Post directed according to the registered Address or other known Address of the Shareholder, within such Period as to admit of its being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was so put into the Post Office.

Notices to joint Proprietors of Shares.

CXXXVII. All Notices directed to be given to the Shareholders shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of the said Persons shall be named first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.

Notices by Advertisement.

CXXXVIII. All Notices required by this or the special Act, or any Act incorporated therewith, to be given by Advertisement, shall be advertised in the prescribed Newspaper, or if no Newspaper be prescribed, or if the prescribed Newspaper cease to be published, in a Newspaper circulating in the District within which the Company's principal Place of Business shall be situated.

Authentication of Notices.

CXXXIX. Every Summons, Notice, or other such Document requiring Authentication by the Company, may be signed by Two Directors, or by the Treasurer or the Secretary of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Proof of Debts in Bankruptcy.

CXL. And be it enacted, That if any Person against whom the Company shall have any Claim or Demand become bankrupt, or

take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Secretary or Treasurer of the Company, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against such Bankrupt or Insolvent, to represent the Company, and act in their Behalf, in all respects as if such Claim or Demand had been the Claim or Demand of such Secretary or Treasurer, and not of the Company. *Notices.*

CXLI. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or by virtue of any Power or Authority thereby given, and if, before Action brought in respect thereof, such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit; and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court. Tender of Amends.

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, and Penalties, be it enacted as follows:

CXLII. In all Cases where any Damages, Costs, or Expences are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount, in case of Dispute, shall be ascertained and determined by Two Justices; and if the Amount so ascertained be not paid by the Company or other Party liable to pay the same within Seven Days after Demand, the Amount may be recovered by Distress of the Goods of the Company or other Party liable as aforesaid; and the Justices by whom the same shall have been ordered to be paid, or either of them, on Application, shall issue their or his Warrant accordingly. Provision for Damages not otherwise provided for.

CXLIII. If sufficient Goods of the Company cannot be found whereon to levy any such Damages, Costs, or Expences, payable by the Company, the same may, if the Amount thereof do not exceed Twenty Pounds, be recovered by Distress of the Goods of the Treasurer of the Company; and the Justices aforesaid, or either of them, on Application, shall issue their or his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence; and if such Treasurer pay any Money under such Distress as aforesaid, he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue the Company for the same. Distress against the Treasurer.

CXLIV. Where in this or the special Act, or any Act incorporated therewith, any Question of Compensation, Expences, Charges, or Damages Method of Proceeding before Justices in

Questions of Damages, &c.

Damages is referred to the Determination of any One Justice, or more, it shall be lawful for any Justice, upon the Application of either Party, to summon the other Party to appear before One Justice, or before Two Justices, as the Case may require, at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such One Justice, or such Two Justices, as the Case may be, to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and their Witnesses, on Oath; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall determine the Amount thereof.

Publication of Penalties.

CXLV. The Company shall publish the short Particulars of the several Offences for which any Penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law of the Company affecting other Persons than the Shareholders, Officers, or Servants of the Company, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have Reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalty for defacing Boards used for such Publication.

CXLVI. If any Person pull down or injure any Board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expences attending the Restoration of such Board.

Penalties to be summarily recovered before Two Justices.

CXLVII. Every Penalty or Forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before Two Justices; and on Complaint being made to any Justice he shall issue a Summons, requiring the Party complained against to appear before Two Justices at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the due Service of such Summons, it shall be lawful for Two Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them, and upon Proof of the Offence, either by the Confession of the Party complained against,

or

or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit. *Recovery of Damages and Penalties.*

CXLVIII. If forthwith upon any such Adjudication as aforesaid, the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Distress; and such Justices, or either of them, shall issue their or his Warrant of Distress accordingly. Penalties may be levied by Distress.

CXLIX. It shall be lawful for any such Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture, and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justice whereon to levy such Penalty or Forfeiture, and Costs, he may, if he thinks fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture, and Costs, be sooner paid and satisfied. Imprisonment in default of Distress.

CL. Where in this or the special Act, or any Act incorporated therewith, any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained. Distress how to be levied.

CLI. No Distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case. Distress not unlawful for Want of Form.

CLII. The Justices by whom any such Penalty or Forfeiture shall be imposed may, where the Application thereof is not otherwise provided Application of Penalties.

Recovery of Damages and Penalties.

provided for, award not more than One Half thereof to the Informer, and shall award the Remainder to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish; or if the Place wherein the Offence shall have been committed shall be extra-parochial, then such Justices shall direct such Remainder to be applied for the Benefit of the Poor of such extra-parochial Place, or of any adjoining Parish or District, and shall order the same to be paid over to the proper Officer for that Purpose.

Penalties to be sued for within Six Months.

CLIII. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Damage to be made good in addition to Penalty.

CLIV. If, through any Act, Neglect, or Default on account whereof any Person shall have incurred any Penalty imposed by this or the special Act, or any Act incorporated therewith, any Damage to the Property of the Company shall have been committed by such Person, he shall be liable to make good such Damage, as well as to pay such Penalty; and the Amount of such Damages shall, in case of Dispute, be determined by the Justices by whom the Party incurring such Penalty shall have been convicted; and on Nonpayment of such Damages, on Demand, the same shall be levied by Distress, and such Justices, or One of them, shall issue their or his Warrant accordingly.

Penalty on Witnesses making default.

CLV. It shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction, under the Provisions of this or the special Act, or any Act incorporated therewith, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CLVI. It shall be lawful for any Officer or Agent of the Company, and all Persons called by him to his Assistance, to seize and detain any Person who shall have committed any Offence against the Provisions of this or the special Act, or any Act incorporated therewith, and whose Name and Residence shall be unknown to such Officer or Agent, and convey him, with all convenient Despatch, before some Justice, without any Warrant or other Authority than this or the special Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

CLVII. The

Form of Conviction.

CLVII. The Justices before whom any Person shall be convicted of any Offence against this or the special Act, or any Act incorporated therewith, may cause the Conviction to be drawn up according to the Form in the Schedule (G.) to this Act annexed.

Proceedings not to be quashed for Want of Form.

CLVIII. No Proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Appeal.

Parties allowed to appeal to Quarter Sessions on giving Security.

CLIX. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this or the special Act, or any Act incorporated therewith, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CLX. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Access to Special Act.

And with respect to the Provision to be made for affording Access to the special Act by all Parties interested, be it enacted as follows:

Copies of special Act to be kept and deposited, and allowed to be inspected.

CLXI. The Company shall, at all Times after the Expiration of Six Months after the passing of the special Act, keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them; and where the Undertaking shall be a Railway, Canal, or other like Undertaking, the Works of which shall not be confined to one Town or Place, shall also, within the Space of such Six Months, deposit in the Office of each of the Clerks of the Peace of the several Counties into which the Works shall extend, and in the Office of the Town Clerk of every Burgh or City into which or within One Mile of which the Works shall extend, a Copy of such special Act so printed as aforesaid; and the said Clerks of the Peace and Town Clerks shall receive, and they and the Company respectively shall retain, the said Copies of the special Act, and shall permit all Persons interested to inspect the same,

same, and make Extracts or Copies therefrom, in the like Manner and upon the like Terms and under the like Penalty for Default as is provided in the Case of certain Plans and Sections, by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Penalty on Company failing to keep or deposit such Copies.

CLXII. If the Company shall fail to keep or deposit as hereinbefore mentioned any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

Act not to extend to Scotland.

CLXIII. And be it enacted, That this Act shall not extend to *Scotland*.

For recovering Calls against Shareholders residing in Scotland.

CLXIV. Provided always, and be it enacted, That if any Shareholder residing in *Scotland* shall fail to pay the Amount of any Call made upon him by the Company in respect of any Share held by him, it shall be lawful for the Company to proceed against him in *Scotland*, and to sue for and recover the Amount of such Call, or to declare such Share forfeited, in such Manner as is by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in case the same shall pass into a Law, provided in regard to Shareholders of any Company in *Scotland*.

Act may be amended, &c.

CLXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Certificate of Share.

" The Company."

Number

THIS is to certify, That *A.B.* of is the Proprietor of the Share Number of " The Company," subject to the Regulations of the said Company. Given under the Common Seal of the said Company, the Day of in the Year of our Lord .

SCHEDULE (B.)

Form of Transfer of Shares or Stock.

I of in consideration of the Sum of paid to me by of do hereby transfer to the said Share [*or* Shares], numbered in the Undertaking called " The Company" [*or* Pounds Consolidated Stock in the Undertaking called " The Company," standing (*or* Part of the Stock standing) in my Name in the Books of the Company], to hold unto the said his Executors, Administrators, and Assigns [*or* Successors and Assigns], subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said do hereby agree to take the said Share [*or* Shares] [*or* Stock], subject to the same Conditions. As witness our Hands and Seals, the Day of .

SCHEDULE (C.)

Form of Mortgage Deed.

" The Company."

Mortgage, Number £

BY virtue of [*here name the special Act*], we, " The Company," in consideration of the Sum of Pounds paid to us by *A.B.* of do assign unto the said *A.B.*, his Executors, Administrators, and Assigns, the said Undertaking, [and (*in case such Loan shall be in anticipation of the Capital authorized*

authorized to be raised) all future Calls on Shareholders], and all the Tolls and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Company in the same; to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof (*in case any Period be agreed upon for that Purpose*)], [at *or any Place of Payment other than the principal Office of the Company*]. Given under our Common Seal, this Day of in the Year of our Lord .

SCHEDULE (D.)

Form of Bond.

"The Company."

Bond, Number £

By virtue of [*here name the special Act*], we, "The Company," in consideration of the Sum of Pounds to us in hand paid by *A.B.* of do bind ourselves and our Successors unto the said *A.B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds.

The Condition of the above Obligation is such, that if the said Company shall pay to the said *A.B.*, his Executors, Administrators, or Assigns, [at (*in case any other Place of Payment than the principal Office of the Company be intended*),] on the Day of which will be in the Year One thousand eight hundred and , the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and Day of then the above-written Obligation is to become void, otherwise to remain in full Force. Given under our Common Seal, this Day of One thousand eight hundred and .

SCHEDULE (E.)

Form of Transfer of Mortgage or Bond.

I *A.B.* of in consideration of the Sum of paid to me by *G.H.* of do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage] Number made by "The Company" to bearing Date the Day of for securing the Sum of and Interest [*or, if such Transfer*

Transfer be by Endorsement, the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage*, and in and to the Tolls, Money, and Property thereby assigned]. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and .

SCHEDULE (F.)

Form of Proxy.

A. B. One of the Proprietors of "The Company," doth hereby appoint *C. D.* of to be the Proxy of the said *A. B.*, in his Absence to vote in his Name upon any Matter relating to the Undertaking proposed at the Meeting of the Proprietors of the said Company to be held on the Day of next, in such Manner as he the said *C. D.* doth think proper. In witness whereof the said *A. B.* hath hereunto set his Hand [*or, if a Corporation, say* the Common Seal of the Corporation], the Day of One thousand eight hundred and .

SCHEDULE (G.)

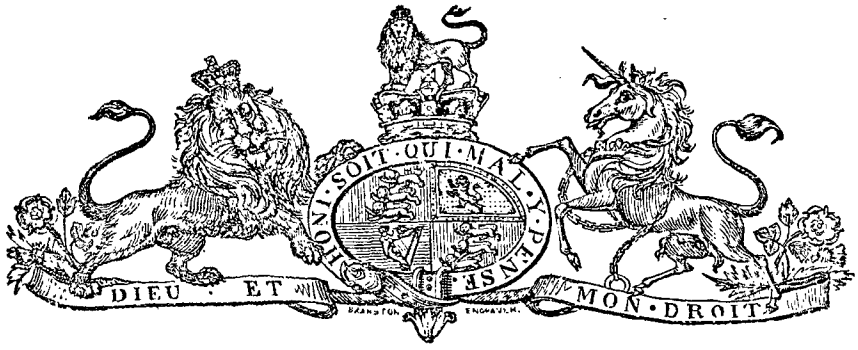
Form of Conviction.

to wit.

Be it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before us *C.*, *D.*, Two of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under our Hands and Seals, the Day and Year first-above written.

C.
D.

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XVII.

An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature in *Scotland*. [8th *May* 1845.]

WHEREAS it is expedient to comprise in One general Act sundry Provisions relating to the Constitution and Management of Joint Stock Companies, usually introduced into Acts of Parliament authorizing the Execution of Undertakings of a public Nature by such Companies in *Scotland*, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall apply to every Joint Stock Company in *Scotland* which shall by any Act of Parliament which shall hereafter be passed be incorporated for the Purpose of carrying on any Undertaking; and this Act shall be incorporated with such Act, and all the Clauses and Provisions of this Act, save so far as they shall be varied

Act to apply to all Companies incorporated by Acts hereafter to be passed.

varied or excepted by any such Act, shall apply to the Company which shall be incorporated by any Act, and to the Undertaking for carrying on which such Company shall be incorporated, so far as the same shall be applicable thereto respectively; and such Enactments and Provisions, as well as the Enactments and Provisions of every other Act which shall be incorporated with such Act, shall, save as aforesaid, form Part of such Act, and be construed together therewith as forming One Act.

Interpretations in this Act:

II. And with respect to the Construction of this Act, and of other Acts to be incorporated therewith, be it enacted as follows:

"The special Act:"

The Expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed incorporating or constituting a Joint Stock Company for the Purpose of carrying on any Undertaking, and with which this Act shall be so incorporated as aforesaid; and the Word "prescribed" used in this Act, in reference to any Matter herein stated, shall be construed to refer to such Matter as shall be prescribed or provided for in the special Act; and the Sentence in which such Word shall occur shall be construed as if instead of the Word "prescribed" the Expression "prescribed for that Purpose in the special Act" had been used; and the Expression "the Undertaking" shall mean the Undertaking or Works, of whatever Nature, which shall by the special Act be authorized to be executed.

"prescribed:"

"the Undertaking."

Interpretations in this and the special Act:

III. The following Words and Expressions both in this and the special Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or the Context repugnant to such Construction; (that is to say,)

Number: Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include the Singular Number:

Gender: Words importing the Masculine Gender only shall include Females:

"Lands:" The Word "Lands" shall extend to Houses, Lands, Tenements, and Heritages of any Description or Tenure:

"Lease:" The Word "Lease" shall include a Missive or an Agreement for a Lease:

"Month:" The Word "Month" shall mean Calendar Month:

"Lord Ordinary:" The "Lord Ordinary" shall mean the Lord Ordinary of the Court of Session in *Scotland* officiating on the Bills in Time of Vacation, or the junior Lord Ordinary, if in Time of Session, as the Case may be:

"Sheriff:" The Word "Sheriff" shall include the Sheriff Substitute:

"Oath:" The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath:

"County:" The Word "County" shall include any Ward or other like Division of a County:

"Justice:" The Word "Justice" shall mean Justice of the Peace acting for the County, City, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where any Matter shall be authorized

authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices assembled and acting together: "Two Justices:"

The Expression "the Company" shall mean the Company constituted by the special Act: "the Company:"

The Expression "the Directors" shall mean the Directors of the Company, and shall include all Persons having the Direction of the Undertaking, whether under the Name of Directors, Managers, Committee of Management, or under any other Name: "Directors:"

The Word "Shareholder" shall mean Shareholder, Proprietor, or Member of the Company; and in referring to any such Shareholder, Expressions properly applicable to a Person shall be held to apply to a Corporation: And "Shareholder:"

The Expression "the Secretary" shall mean the Secretary of the Company, and shall include the Word "Clerk." "Secretary."

IV. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Companies Clauses Consolidation (*Scotland*) Act, 1845." Short Title of the Act.

V. And whereas it may be convenient in some Cases to incorporate with Acts hereafter to be passed some Portion only of the Provisions of this Act; be it therefore enacted, That for the Purpose of making any such Incorporation it shall be sufficient in any such Act to enact that the Clauses and Provisions of this Act, with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act in the Words introductory to the Enactment with respect to such Matter), shall be incorporated with such Act; and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate. Form in which Portions of this Act may be incorporated with other Acts.

Distribution of Capital.

And with respect to the Distribution of the Capital of the Company into Shares, be it enacted as follows:

VI. The Capital of the Company shall be divided into Shares of the prescribed Number and Amount; and such Shares shall be numbered in arithmetical Progression, beginning with Number One; and every such Share shall be distinguished by its appropriate Number. Capital to be divided into Shares.

VII. All Shares in the Undertaking shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate. Shares to be Personal Estate.

VIII. Every Person who shall have subscribed the prescribed Sum or upwards to the Capital of the Company, or shall otherwise have become entitled to a Share in the Company, and whose Name shall have been entered on the Register of Shareholders herein-after mentioned, shall be deemed a Shareholder of the Company, and shall be entitled Shareholders.

Distribution of Capital.

entitled to have One Share therein allotted to him in respect of every Sum of the prescribed Amount so subscribed by him.

Registry of Shareholders.

IX. The Company shall keep a Book, to be called the "Register of Shareholders;" and in such Book shall be fairly and distinctly entered, from Time to Time, the Names of the several Corporations, and the Names and Additions of the several Persons entitled to Shares in the Company, together with the Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number, and the Amount of the Subscriptions paid on such Shares; and the Surnames or Corporate Names of the said Shareholders shall be placed in alphabetical Order; and such Book shall be authenticated by the Common Seal of the Company being affixed thereto; and such Authentication shall take place at the First Ordinary Meeting, or at the next subsequent Meeting of the Company, and so from Time to Time at each Ordinary Meeting of the Company.

Addresses of Shareholders.

X. In addition to the said Register of Shareholders, the Company shall provide a Book, to be called the "Shareholders Address Book," in which the Secretary shall from Time to Time enter in alphabetical Order the Corporate Names and Places of Business of the several Shareholders of the Company, being Corporations, and the Surnames of the several other Shareholders, with their respective Christian Names, Places of Abode, and Descriptions, so far as the same shall be known to the Company; and every Shareholder, or if such Shareholder be a Corporation the Clerk or Agent of such Corporation, may at all convenient Times peruse such Book *gratis*, and may require a Copy thereof, or of any Part thereof; and for every Hundred Words so required to be copied the Company may demand a Sum not exceeding Sixpence.

Certificates of Shares to be issued to the Shareholders.

XI. On demand of the Holder of any Share the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder; and such Certificate shall have the Common Seal of the Company affixed thereto; and such Certificate shall specify the Share in the Undertaking to which such Shareholder is entitled; and the same may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect; and for such Certificate the Company may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed then a Sum not exceeding Two Shillings and Sixpence.

Certificate to be Evidence.

XII. The said Certificate shall be admitted in all Courts as *primâ facie* Evidence of the Title of such Shareholder, his Executors, Administrators, Successors, or Assigns, to the Share therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof.

Certificate to be renewed when destroyed.

XIII. If any such Certificate be worn out or damaged, then, upon the same being produced at some Meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate, and of the Share therein mentioned, shall be at

the Time vested; or if such Certificate be lost or destroyed, then, upon Proof thereof to the Satisfaction of the Directors, a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Secretary in the Register of Shareholders; and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed then a Sum not exceeding Two Shillings and Sixpence. *Distribution of Capital.*

And with respect to the Transfer or Transmission of Shares, be it enacted as follows: *Transfer of Shares.*

XIV. Subject to the Regulations herein or in the special Act contained, every Shareholder may sell and transfer all or any of his Shares in the Undertaking, or all or any Part of his Interest in the Capital Stock of the Company, in case such Shares shall, under the Provisions herein-after contained, be consolidated into Capital Stock; and every such Transfer shall be by Deed duly stamped, in which the Consideration shall be truly stated; and such Deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect. Transfer of Shares to be by Deed duly stamped.

XV. Whereas there may be hereafter many Shareholders of the Company who reside in *England*, and Sales of Shares are frequently made by Persons in *England* to Persons in *Scotland*, and *vice versâ*, and it would be attended with Inconvenience if all Transfers of Shares were required to be executed according to the Forms of the Law of *Scotland;* all Transfers of Shares of the said Company shall be valid and effectual if executed according to the usual Mode of executing such Instruments either in *England* or *Scotland*, or partly according to the one and partly according to the other. Regulating the Form of Transfers of Shares.

XVI. The said Deed of Transfer (when duly executed) shall be delivered to the Secretary, and be kept by him; and the Secretary shall enter a Memorial thereof in a Book, to be called the "Register of Transfers," and shall endorse such Entry on the Deed of Transfer, and shall, on Demand, deliver a new Certificate to the Purchaser; and for every such Entry and Endorsement and Certificate the Company may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed then a Sum not exceeding Two Shillings and Sixpence; and on the Request of the Purchaser of any Share an Endorsement of such Transfer shall be made on the Certificate of such Share, instead of a new Certificate being granted; and such Endorsement, being signed by the Secretary, shall be considered in every respect the same as a new Certificate; and until such Transfer has been so delivered to the Secretary as aforesaid the Vendor of the Share shall continue liable to the Company for any Calls that may be made upon such Share, and the Purchaser of the Share shall not be entitled to receive any Share of the Profits of the Undertaking, or to vote in respect of such Share. Transfers of Shares to be registered, &c.

Transfers not to be made until all Calls paid.

XVII. No Shareholder shall be entitled to transfer any Share, after any Call shall have been made in respect thereof, until he shall have paid such Call, nor until he shall have paid all Calls for the Time being due on every Share held by him.

Closing of Transfer Books.

XVIII. It shall be lawful for the Directors to close the Register of Transfers for the prescribed Period, or if no Period be prescribed then for a Period not exceeding Fourteen Days previous to each Ordinary Meeting, and they may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper as after mentioned; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

Transmission of Shares by other Means than Transfer to be authenticated by a Declaration.

XIX. If the Interest in any Share have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other lawful Means than by a Transfer according to the Provisions of this or the special Act, such Transmission shall be authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Directors shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Sheriff or Justice; and such Declaration shall be left with the Secretary, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register of Shareholders; and for every such Entry the Company may demand any Sum not exceeding the prescribed Amount, and where no Amount shall be prescribed then not exceeding Five Shillings; and until such Transmission has been so authenticated no Person claiming by virtue of any such Transmission shall be entitled to receive any Share of the Profits of the Undertaking, nor to vote in respect of any such Share as the Holder thereof.

Proof of Transmission by Marriage, Will, &c.

XX. If such Transmission be by virtue of the Marriage of a Female Shareholder, the said Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration or effecting thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any testamentary Instrument, or by Intestacy, the Probate of the Will or the Letters of Administration, or an official Extract therefrom, obtained from any Prerogative Court if granted in *England*, or a Testament Testamentary or Testament Dative if expede in *Scotland*, or an official Extract thereof, shall, together with such Declaration, be produced to the Secretary; and upon such Production in either of the Cases aforesaid the Secretary shall make an Entry of the Declaration in the said Register of Transfers.

Company not bound to regard Trusts.

XXI. The Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any

any of the said Shares may be subject; and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company, or if it stands in the Names of more Parties than One the Receipt of the Party first named in the Register of Shareholders and then surviving, shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trust to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt. *Transfer of Shares.*

And with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, be it enacted as follows: *Payment of Calls.*

XXII. The several Persons who have subscribed any Money towards the Undertaking, or their legal Representatives respectively, shall pay the Sums respectively so subscribed, or such Portions thereof as shall from Time to Time be called for by the Company, at such Times and Places as shall be appointed by the Company; and with respect to the Provisions herein or in the special Act contained for enforcing the Payment of Calls, the Word "Shareholder" shall extend to and include the legal personal Representatives of such Shareholder. Subscriptions to be paid when called for.

XXIII. It shall be lawful for the Company from Time to Time to make such Calls of Money upon the respective Shareholders, in respect of the Amount of Capital respectively subscribed or owing by them, as they shall think fit, provided that Twenty-one Days Notice at the least be given of each Call, and that no Call exceed the prescribed Amount, if any, and that successive Calls be not made at less than the prescribed Interval, if any, and that the aggregate Amount of Calls made in any One Year do not exceed the prescribed Amount, if any; and every Shareholder shall be liable to pay the Amount of the Calls so made, in respect of the Shares held by him, to the Persons and at the Times and Places from Time to Time appointed by the Company. Power to make Calls.

XXIV. If, before or on the Day appointed for Payment, any Shareholder do not pay the Amount of any Call to which he is liable, then such Shareholder shall be liable to pay Interest for the same at the Rate allowed by Law from the Day appointed for the Payment thereof to the Time of the actual Payment. Interest to be paid on Calls unpaid.

XXV. It shall be lawful for the Company, if they think fit, to receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Principal Monies so paid in advance, or so much thereof as from Time to Time shall exceed the Amount of the Calls then made upon the Shares in respect of which such Advance shall be made, the Company may pay Interest at such Rate, not exceeding the legal Rate of Interest for the Time being, Power to allow Interest on Payment of Subscriptions before Call.

Payment of Calls.

being, as the Shareholder paying such Sum in advance and the Company shall agree upon.

Enforcement of Calls by Action.

XXVI. If at the Time appointed by the Company for the Payment of any Call any Shareholder fail to pay the Amount of such Call, it shall be lawful for the Company to sue such Shareholder for the Amount thereof in any Court of Law or Equity having competent Jurisdiction, and to recover the same, with lawful Interest from the Day on which such Call was payable.

Averment in Action for Calls.

XXVII. In any Action or Suit to be brought by the Company against any Shareholder to recover any Money due for any Call it shall not be necessary to set forth the special Matter, but it shall be sufficient for the Company to aver that the Defender is the Holder of One Share or more in the Company (stating the Number of Shares), and is indebted to the Company in the Sum of Money to which the Calls in arrear shall amount in respect of One Call or more upon One Share or more (stating the Number and Amount of each of such Calls), whereby an Action hath accrued to the Company by virtue of this and the special Act.

Matter to be proved in Action for Calls.

XXVIII. On the Trial or Hearing of such Action or Suit it shall be sufficient to prove that the Defender at the Time of making such Call was a Holder of One Share or more in the Undertaking, and that such Call was in fact made, and such Notice thereof given as is directed by this or the special Act; and it shall not be necessary to prove the Appointment of the Directors who made such Call, nor any other Matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon, unless it shall appear either that any such Call exceeds the prescribed Amount, or that due Notice of such Call was not given, or that the prescribed Interval between Two successive Calls had not elapsed, or that Calls amounting to more than the Sum prescribed for the total Amount of Calls in One Year had been made within that Period.

Proof of Proprietorship.

XXIX. The Production of the Register of Shareholders shall be *primâ facie* Evidence of such Defender being a Shareholder, and of the Number and Amount of his Shares.

Nonpayment of Calls.

And with respect to the Forfeiture of Shares for Nonpayment of Calls, be it enacted as follows:

Forfeiture of Shares for Nonpayment of Calls.

XXX. If any Shareholder fail to pay any Call payable by him, together with the Interest, if any, that shall have accrued thereon, the Directors, at any Time after the Expiration of Two Months from the Day appointed for Payment of such Call, may declare the Share in respect of which such Call was payable forfeited, and that whether the Company have sued for the Amount of such Call or not.

Notice of Forfeiture to be given be-

XXXI. Before declaring any Share forfeited the Directors shall cause Notice of such Intention to be left at or transmitted by the

Post

Post to the usual or last Place of Abode of the Person appearing by the Register of Shareholders to be the Proprietor of such Share; and if the Holder of any such Share be abroad, or if his usual or last Place of Abode be not known to the Directors, by reason of its being imperfectly described in the Shareholders Address Book, or otherwise, or if the Interest in any such Share shall be known by the Directors to have become transmitted otherwise than by Transfer, as hereinbefore mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted, or may for the Time being belong, shall not be known to the Directors, the Directors shall give public Notice of such Intention in the *Edinburgh Gazette*, and also in some Newspaper as after mentioned; and the several Notices aforesaid shall be given Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture. fore Declaration thereof.

XXXII. The said Declaration of Forfeiture shall not take effect so as to authorize the Sale or other Disposition of any Share until such Declaration have been confirmed at some General Meeting of the Company to be held after the Expiration of Two Months at the least from the Day on which such Notice of Intention to make such Declaration of Forfeiture shall have been given; and it shall be lawful for the Company to confirm such Forfeiture at any such Meeting, and by an Order at such Meeting, or at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of. Forfeiture to be confirmed by a General Meeting.

XXXIII. After such Confirmation as aforesaid it shall be lawful for the Directors to sell the forfeited Share, either by public Auction or private Contract, and if there be more than One such forfeited Share, then either separately or together, as to them shall seem fit; and any Shareholder may purchase any forfeited Share so sold. Sale of forfeited Shares.

XXXIV. A Declaration in Writing, by some credible Person not interested in the Matter, made before any Sheriff or Justice, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was declared and confirmed in manner hereinbefore required, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of the Treasurer of the Company for the Price of such Share, shall constitute a good Title to such Share; and a Certificate of Proprietorship shall be delivered to such Purchaser, and thereupon he shall be deemed the Holder of such Share, discharged from all Calls due prior to such Purchase; and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to such Sale. Evidence as to Forfeiture of Shares.

XXXV. The Company shall not sell or transfer more of the Shares of any such Defaulter than will be sufficient, as nearly as can be ascertained at the Time of such Sale, to pay the Arrears then due from such Defaulter on account of any Calls, together with Interest, and the Expences attending such Sale and Declaration of Forfeiture; No more Shares to be sold than sufficient for Payment of Calls.

Nonpayment of Calls.

and if the Money produced by the Sale of any such forfeited Shares be more than sufficient to pay all Arrears of Calls and Interest thereon due at the Time of such Sale, and the Expences attending the Declaration of Forfeiture and Sale thereof, the Surplus shall, on demand, be paid to the Defaulter.

On Payment of Calls before Sale the forfeited Shares to revert.

XXXVI. If Payment of such Arrears of Calls and Interest and Expences be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the Party to whom the same belonged before such Forfeiture in such Manner as if such Calls had been duly paid.

Limiting Responsibility of Shareholders.

XXXVII. If the said Company shall be incorporated, no Person or Corporation, nor the Estate, Real or Personal, of any such Person or Corporation, who is or shall be a Proprietor of the said incorporated Company, shall be liable for or charged with the Payment of any Debt or Demand whatsoever due or to become due by or from the said Company beyond the Extent of his or their Share in the Capital of the said Company.

Execution against Shareholders.

And with respect to the Remedies of Creditors of the Company against the Shareholders, be it enacted as follows:

Execution against Shareholders to the Extent of their Shares in Capital not paid up.

XXXVIII. If any legal Diligence or Execution shall have been issued against the Property or Effects of the Company, and if there cannot be found sufficient whereon to levy under such Diligence or Execution, then such Diligence or Execution may be used against any of the Shareholders to the Extent of their Shares respectively in the Capital of the Company not then paid up; and for the Purpose of ascertaining the Names of the Shareholders, and the Amount of Capital remaining to be paid upon their respective Shares, it shall be lawful for any Person entitled to any such Execution, at all reasonable Times, to inspect the Register of Shareholders without Fee.

Reimbursement of such Shareholders.

XXXIX. If by means of any such Diligence or Execution any Shareholder shall have paid any Sum of Money beyond the Amount then due from him in respect of Calls, he shall forthwith be reimbursed such additional Sum by the Directors out of the Funds of the Company.

Power to borrow Money.

And with respect to the borrowing of Money by the Company on Mortgage or Bond, be it enacted as follows:

Company may borrow on Mortgage or Bond.

XL. If the Company be authorized by the special Act to borrow Money on Mortgage or Bond, it shall be lawful for them, subject to the Restrictions contained in the special Act, to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time, by an Order of a General Meeting of the Company, be authorized to be borrowed, not exceeding in the whole the Sum prescribed by the special Act, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Undertaking, and the future Calls on the Shareholders, or to give Bonds in manner herein-after mentioned.

XLI. If,

Power to reborrow.

XLI. If, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of reborrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so reborrowed in order to pay off any existing Bond or Security.

Evidence of Authority for borrowing.

XLII. Where by the special Act the Company shall be restricted from borrowing any Money on Mortgage or Bond until a definite Portion of their Capital shall be subscribed or paid up, or where by this or the special Act the Authority of a General Meeting is required for such borrowing, the Certificate of a Sheriff that such definite Portion of the Capital has been subscribed or paid up, and a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors or by the Secretary to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be subscribed or paid up having been so subscribed or paid up, and of the Order for borrowing Money having been made; and upon Production to any Sheriff of the Books of the Company, and of such other Evidence as he shall think sufficient, such Sheriff shall grant the Certificate as aforesaid.

Mortgages and Bonds to be by Deed duly stamped.

XLIII. Every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form in the Schedule (C.) or (D.) to this Act annexed, or to the like Effect; and every such Mortgage Deed shall have the full Effect of an Assignation in Security duly completed.

Rights of Mortgagees.

XLIV. The respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgages, and of the future Calls payable by the Shareholders, if comprised therein, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized.

Application of Calls, notwithstanding Mortgage.

XLV. No such Mortgage (although it should comprise future Calls on the Shareholders) shall, unless expressly so provided, preclude the Company from receiving and applying to the Purposes of the Company any Calls to be made by the Company.

Mortgages to be Personal Estate.

XLVI. All Mortgages and Money lent on Mortgage to the Company shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

Rights of Obligees.

XLVII. The respective Obligees in such Bonds shall, proportionally according to the Amount of the Monies secured thereby, be entitled to be paid, out of the Tolls or other Property or Effects of

Power to borrow Money.

of the Company, the respective Sums in such Bonds mentioned, and thereby intended to be secured, without any Preference one above another by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise howsoever.

Register of Mortgages and Bonds.

XLVIII. A Register of Mortgages and Bonds shall be kept by the Secretary, and within Fourteen Days after the Date of any such Mortgage or Bond an Entry or Memorial, specifying the Number and Date of such Mortgage or Bond, and the Sums secured thereby, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any of the Shareholders, or by any Mortgagee or Bond Creditor of the Company, or by any Person interested in any such Mortgage or Bond, without Fee or Reward.

Transfers of Mortgages and Bonds to be stamped.

XLIX. Any Party entitled to any such Mortgage or Bond may from Time to Time transfer his Right and Interest therein to any other Person; and every such Transfer shall be by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect.

Transfers of Mortgages and Bonds to be registered.

L. Within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Secretary, and thereupon the Secretary shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee to the full Benefit of the original Mortgage or Bond in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Company may demand a Sum not exceeding the prescribed Sum, or, where no Sum shall be prescribed, the Sum of Two Shillings and Sixpence; and until such Entry the Company shall not be in any Manner responsible to the Transferee in respect of such Mortgage.

Payment of Interest on Monies borrowed.

LI. The Interest of the Money borrowed upon any such Mortgage or Bond shall be paid at the Periods appointed in such Mortgage or Bond, and if no Period be appointed, half-yearly, to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company.

Transfers of Interest to be stamped.

LII. The Interest on any such Mortgage or Bond shall not be transferrable, except by Deed duly stamped.

Repayment of Money borrowed at a Time fixed.

LIII. The Company may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof, and in such Case the Company shall cause such Period to be inserted in the Mortgage Deed or Bond; and upon the Expiration of such Period the Principal Sum, together with the Arrears of

Interest thereon, shall, on demand, be paid to the Party entitled to such Mortgage or Bond; and if no other Place of Payment be inserted in such Mortgage Deed or Bond, such Principal and Interest shall be payable at the principal Office or Place of Business of the Company. *Power to borrow Money.*

LIV. If no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Company may at any Time pay off the Money borrowed, on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee or Bond Creditor shall be delivered to the Secretary, or left at the principal Office of the Company, and if given by the Company shall be given either personally to such Mortgagee or Bond Creditor or left at his Residence, or if such Mortgagee or Bond Creditor be unknown to the Directors, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the *Edinburgh Gazette*, and in some Newspaper as after mentioned. Repayment of Money borrowed where no Time fixed.

LV. If the Company shall have given Notice of their Intention to pay off any such Mortgage or Bond at a Time when the same may lawfully be paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable on such Mortgage or Bond, unless on demand of Payment made pursuant to such Notice, or at any Time thereafter, the Company shall fail to pay the Principal and Interest due at the Expiration of such Notice on such Mortgage or Bond. Interest to cease on Expiration of Notice to pay off Mortgage or Bond.

LVI. Where by the special Act the Mortgagees of the Company shall be empowered to enforce the Payment of the Arrear of Interest, or the Arrears of Principal and Interest, due on such Mortgages, by the Appointment of a Judicial Factor, then, if within Thirty Days after the Interest accruing upon any such Mortgage or Bond has become payable, and after Demand thereof in Writing, the same be not paid, the Mortgagee may, without Prejudice to his Right to sue for the Interest so in arrear in any competent Court, require the Appointment of a Judicial Factor, by an Application to be made as herein-after provided; and if within Six Months after the Principal Money owing upon any such Mortgage or Bond has become payable, and after Demand thereof in Writing, the same be not paid, the Mortgagee, without Prejudice to his Right to sue for such Principal Money, together with all Arrears of Interest, in any competent Court, may, if his Debt amount to the prescribed Sum alone, or if his Debt does not amount to the prescribed Sum, he may, in conjunction with other Mortgagees, whose Debts, being so in arrear, after Demand as aforesaid, shall, together with his, amount to the prescribed Sum, require the Appointment of a Judicial Factor, by an Application to be made as herein-after provided. Arrears of Interest, when to be enforced by Appointment of a Judicial Factor. Arrears of Principal and Interest.

LVII. Every

Appointment of Judicial Factor.

LVII. Every Application for a Judicial Factor in the Cases aforesaid shall be made to the Court of Session, and on any such Application so made, and after hearing the Parties, it shall be lawful for the said Court, by Order in Writing, to appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed; and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Judicial Factor shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Judicial Factor shall cease, and he shall be bound to account to the Company for his Intromissions, or the Sums received by him, and to pay over to their Treasurer any Balance that may be in his Hands.

Access to Account Books by Mortgagees.

LVIII. At all reasonable Times the Books of Account of the Company shall be open to the Inspection of the respective Mortgagees and Bond Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

Loans.

And with respect to the Conversion of the borrowed Money into Capital, be it enacted as follows:

Power to convert Loan into Capital.

LIX. It shall be lawful for the Company, if they think fit, unless it be otherwise provided by the special Act, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same, or having borrowed the same, to continue at Interest only a Part of such additional Sum, and to raise Part thereof by creating new Shares; but no such Augmentation of Capital as aforesaid shall take place without the previous Authority of a General Meeting of the Company.

New Shares to be considered same as original Shares.

LX. The Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Shares at Premium, new Shares to be offered to original Shareholders.

LXI. If at the Time of any such Augmentation of Capital taking place by the Creation of new Shares the then existing Shares be at a Premium, or of greater actual Value than the nominal Value thereof, then, unless it be otherwise provided by the special Act, the Sum so to be raised shall be divided into Shares of such Amount

Loans.

as will conveniently allow the same to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively; and such new Shares shall be offered to the then Shareholders in the Proportion aforesaid; and such Offer shall be made by Letter under the Hand of the Secretary given to or sent by Post, addressed to each Shareholder according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode.

Shares to vest in the Parties accepting; otherwise to be disposed of by the Directors.

LXII. The said new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deem most for the Advantage of the Company.

If not at a Premium, to be issued as Company think fit.

LXIII. If at the Time of such Augmentation of Capital taking place the existing Shares be not at a Premium, then such new Shares may be of such Amount, and may be issued in such Manner and on such Terms, as the Company shall think fit.

Consolidation of Shares.

And with respect to the Consolidation of the Shares into Stock, be it enacted as follows:

Power to consolidate Shares into Stock.

LXIV. It shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of the Company, when due Notice for that Purpose shall have been given, to convert or consolidate all or any Part of the Shares then existing in the Capital of the Company, and in respect whereof the whole Money subscribed shall have been paid up, into a general Capital Stock, to be divided amongst the Shareholders according to their respective Interests therein.

Proprietors of Stock may transfer the same.

LXV. After such Conversion or Consolidation shall have taken place all the Provisions contained in this or the special Act which require or imply that the Capital of the Company shall be divided into Shares of any fixed Amount, and distinguished by Numbers, shall, as to so much of the Capital as shall have been so converted or consolidated into Stock, cease and be of no Effect, and the several Holders of such Stock may thenceforth transfer their respective Interests therein, or any Parts of such Interests, in the same Manner and subject to the same Regulations and Provisions as or according to which any Shares in the Capital of the Company might be transferred under the Provisions of this or the special Act; and the Company shall cause an Entry to be made in some Book to be kept for that Purpose of every such Transfer; and for every such Entry they may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed a Sum not exceeding Two Shillings and Sixpence.

Register of Stock.

LXVI. The Company shall from Time to Time cause the Names of the several Parties who may be interested in any such Stock as aforesaid, with the Amount of the Interest therein possessed by them respectively, to be entered in a Book to be kept for the Purpose, and to be called "The Register of Holders of Consolidated Stock," and such Book shall be accessible at all seasonable Times to the several Holders of Shares or Stock in the Undertaking.

Proprietors of Stock entitled to Dividends.

LXVII. The several Holders of such Stock shall be entitled to participate in the Dividends and Profits of the Company, according to the Amount of their respective Interests in such Stock; and such Interests shall, in proportion to the Amount thereof, confer on the Holders thereof respectively the same Privileges and Advantages, for the Purpose of voting at Meetings of the Company, Qualification for the Office of Directors, and for other Purposes, as would have been conferred by Shares of equal Amount in the Capital of the Company, but so that none of such Privileges or Advantages, except the Participation in the Dividends and Profits of the Company, shall be conferred by any aliquot Part of such Amount of Consolidated Stock as would not, if existing in Shares, have conferred such Privileges or Advantages respectively.

Application of Capital.

LXVIII. And be it enacted, That all the Money raised by the Company, whether by Subscriptions of the Shareholders, or by Loan or otherwise, shall be applied, firstly, in paying the Costs and Expences incurred in obtaining the special Act, and all Expences incident thereto, and, secondly, in carrying the Purposes of the Company into execution.

General Meetings.

And with respect to the General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders, be it enacted as follows:

Ordinary Meetings to be held half-yearly.

LXIX. The First General Meeting of the Shareholders of the Company shall be held within the prescribed Time, or if no Time be prescribed within One Month after the passing of the special Act, and the future General Meetings shall be held at the prescribed Periods, and if no Periods be prescribed in the Months of *February* and *August* in each Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all Meetings, whether ordinary or extraordinary, shall be held in the prescribed Place, if any, and if no Place be prescribed then at some Place to be appointed by the Directors.

Business at Ordinary Meetings.

LXX. No Matters, except such as are appointed by this or the special Act to be done at an Ordinary Meeting, shall be transacted at any such Meeting, unless special Notice of such Matters have been given in the Advertisement convening such Meeting.

Extraordinary Meetings.

LXXI. Every General Meeting of the Shareholders, other than an Ordinary Meeting, shall be called an "Extraordinary Meeting;" and

and such Meetings may be convened by the Directors at such Times as they think fit. *General Meetings.*

LXXII. No Extraordinary Meeting shall enter upon any Business not set forth in the Notice upon which it shall have been convened. Business at Extraordinary Meetings.

LXXIII. It shall be lawful for the prescribed Number of Shareholders, holding in the aggregate Shares to the prescribed Amount, or, where the Number of Shareholders or Amount of Shares shall not be prescribed, it shall be lawful for Twenty or more Shareholders, holding in the aggregate not less than One Tenth of the Capital of the Company, by Writing under their Hands, at any Time to require the Directors to call an Extraordinary Meeting of the Company; and such Requisition shall fully express the Object of the Meeting required to be called, and shall be left at the Office of the Company, or given to at least Three Directors, or left at their last or usual Places of Abode; and forthwith upon the Receipt of such Requisition the Directors shall convene a Meeting of the Shareholders; and if for Twenty-one Days after such Notice the Directors fail to call such Meeting, the prescribed Number of Shareholders, or such other Number as aforesaid, qualified as aforesaid, may call such Meeting by giving Fourteen Days public Notice thereof. Extraordinary Meetings may be required by Shareholders to be convened.

LXXIV. Ten Days public Notice at the least of all Meetings, whether ordinary or extraordinary, shall be given by Advertisement, which shall specify the Place, the Day, and the Hour of Meeting; and every Notice of an Extraordinary Meeting, or of an Ordinary Meeting if any other Business than the Business hereby or by the special Act appointed for Ordinary Meetings is to be done thereat, shall specify the Purpose for which the Meeting is called. Notice of Meetings.

LXXV. In order to constitute a Meeting (whether ordinary or extraordinary) there shall be present, either personally or by Proxy, the prescribed Quorum, and if no Quorum be prescribed then Shareholders holding in the aggregate not less than One Twentieth of the Capital of the Company, and being in Number not less than One for every Five hundred Pounds of such required Proportion of Capital, unless such Number would be more than Twenty, in which Case Twenty Shareholders holding not less than One Twentieth of the Capital of the Company shall be the Quorum; and if within One Hour from the Time appointed for such Meeting the said Quorum be not present no Business shall be transacted at the Meeting other than the declaring of a Dividend, in case that shall be one of the Objects of the Meeting, but such Meeting shall, except in the Case of a Meeting for the Election of Directors herein-after mentioned, be held to be adjourned *sine Die*. Quorum for a General Meeting.

LXXVI. At every Meeting of the Company one or other of the following Persons shall preside as Chairman; that is to say, the Chairman of the Directors, or in his Absence the Deputy Chairman (if any), or in the Absence of the Chairman and Deputy Chairman some one of the Directors of the Company to be chosen for that Purpose by the Meeting, or in the Absence of the Chairman and Chairman at General Meetings.

General Meetings.

Deputy Chairman and of all the Directors any Shareholder to be chosen for that Purpose by a Majority of the Shareholders present at such Meeting.

Business at Meetings and Adjournments.

LXXVII. The Shareholders present at any such Meeting shall proceed in the Execution of the Powers of the Company with respect to the Matters for which such Meeting shall have been convened, and those only; and every such Meeting may be adjourned from Time to Time, and from Place to Place; and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Votes of Shareholders.

LXXVIII. At all General Meetings of the Company every Shareholder shall be entitled to vote according to the prescribed Scale of Voting, and where no Scale shall be prescribed every Shareholder shall have One Vote for every Share up to Ten, and he shall have an additional Vote for every Five Shares beyond the first Ten Shares held by him up to One hundred, and an additional Vote for every Ten Shares held by him beyond the first Hundred Shares: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then due upon the Shares held by him.

Manner of voting.

LXXIX. The Votes may be given either personally or by Proxies, being Shareholders, authorized by Writing according to the Form in the Schedule (F.) to this Act annexed, or in a Form to the like Effect, under the Hand of the Shareholder nominating such Proxy, or if such Shareholder be a Corporation then under their Common Seal; and every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, including Proxies, the Chairman of the Meeting being entitled to vote, not only as a Principal and Proxy, but to have a casting Vote if there be an Equality of Votes.

Regulations as to Proxies.

LXXX. No Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Secretary of the Company within the prescribed Period, or, if no Period be prescribed, not less than Forty-eight Hours before the Time appointed for holding the Meeting at which such Proxy is to be used.

Votes of joint Shareholders.

LXXXI. If several Persons be jointly entitled to a Share, the Person whose Name stands first in the Register of Shareholders as one of the Holders of such Share shall, for the Purpose of voting at any Meeting, be deemed the sole Proprietor thereof; and on all Occasions the Vote of such first-named Shareholder, either in Person or by Proxy, shall be allowed as the Vote in respect of such Share, without Proof of the Concurrence of the other Holders thereof.

Votes of Lunatics and Minors, &c.

LXXXII. If any Shareholder be a Lunatic or Idiot, fatuous or furious Person, such Lunatic or Idiot, fatuous or furious Person, may vote by his Tutor, Curator, or other Person appointed to manage his Estate; and if any Shareholder be a Minor he may vote by his Tutors

or Curators or any one of them; and every such Vote may be given either in Person or by Proxy. *General Meetings.*

LXXXIII. Whenever in this or the special Act the Consent of any particular Majority of Votes at any Meeting of the Company is required in order to authorize any Proceeding of the Company, such particular Majority shall only be required to be proved in the event of a Poll being demanded at such Meeting; and if such Poll be not demanded then a Declaration by the Chairman that the Resolution authorizing such Proceeding has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Authority for such Proceeding, without Proof of the Number or Proportion of Votes recorded in favour of or against the same. Proof of a particular Majority of Votes only required in the event of a Poll being demanded.

And with respect to the Appointment and Rotation of Directors, be it enacted as follows: *Appointment and Rotation of Directors.*

LXXXIV. The Number of Directors shall be the prescribed Number. Number of Directors.

LXXXV. Where the Company shall be authorized by the special Act to increase or to reduce the Number of the Directors it shall be lawful for the Company, from Time to Time in General Meeting, after due Notice for that Purpose, to increase or reduce the Number of the Directors within the prescribed Limits, if any, and to determine the Order of Rotation in which such reduced or increased Number shall go out of Office, and what Number shall be a Quorum of their Meetings. Power to vary the Number of Directors.

LXXXVI. The Directors appointed by the special Act shall, unless thereby otherwise provided, continue in Office until the First Ordinary Meeting to be held in the Year next after that in which the special Act shall have passed; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by the special Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by the special Act being eligible as Members of such new Body; and at the First Ordinary Meeting to be held every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions herein-after contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, as herein-after mentioned. Election of Directors.

LXXXVII. If at any Meeting at which an Election of Directors ought to take place the prescribed Quorum shall not be present within One Hour from the Time appointed for the Meeting no Election of Directors shall be made, but such Meeting shall stand adjourned to the following Day, at the same Time and Place; and if at the Meeting so adjourned the prescribed Quorum be not present within Existing Directors continued, on Failure of Meeting for Election of Directors.

Appointment and Rotation of Directors.

within One Hour from the Time appointed for the Meeting, the existing Directors shall continue to act and retain their Powers until new Directors be appointed at the First Ordinary Meeting of the following Year.

Qualification of Directors.

LXXXVIII. No Person shall be capable of being a Director unless he be a Shareholder, nor unless he be possessed of the prescribed Number, if any, of Shares; and no Person holding an Office or Place of Trust or Profit under the Company, or interested in any Contract with the Company, shall be capable of being a Director; and no Director shall be capable of accepting any other Office or Place of Trust or Profit under the Company, or of being interested in any Contract with the Company, during the Time he shall be a Director.

Cases in which Office of Director shall become vacant.

LXXXIX. If any of the Directors at any Time subsequently to his Election accept or continue to hold any other Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Work to be done for the Company, or if such Director at any Time cease to be a Holder of the prescribed Number of Shares in the Company, then in any of the Cases aforesaid the Office of such Director shall become vacant, and thenceforth he shall cease from voting or acting as a Director.

Shareholder of an incorporated Joint Stock Company not disqualified by reason of Contracts.

XC. Provided always, that no Person, being a Shareholder or Member of any incorporated Joint Stock Company, shall be disqualified or prevented from acting as a Director by reason of any Contract entered into between such Joint Stock Company and the Company incorporated by the special Act; but no such Director, being a Shareholder or Member of such Joint Stock Company, shall vote on any Question as to any Contract with such Joint Stock Company.

Rotation of Directors.

XCI. The Directors appointed by the special Act, and continued in Office as aforesaid, or the Directors elected to supply the Places of those retiring as aforesaid, shall, subject to the Provision hereinbefore contained for increasing or reducing the Number of Directors, retire from Office at the Times and in the Proportions following; the Individuals to retire being in each Instance determined by Ballot among the Directors, unless they shall otherwise agree; (that is to say,)

At the End of the First Year after the First Election of Directors the prescribed Number, and if no Number be prescribed One Third of such Directors, to be determined by Ballot among themselves, unless they shall otherwise agree, shall go out of Office:

At the End of the Second Year the prescribed Number, and if no Number be prescribed One Half of the remaining Number of such Directors, to be determined in like Manner, shall go out of Office:

At

At the End of the Third Year the prescribed Number, and if no Number be prescribed the Remainder of such Directors shall go out of Office: *Appointment and Rotation of Directors.*

And in each Instance the Places of the retiring Directors shall be supplied by an equal Number of qualified Shareholders; and at the First Ordinary Meeting in every subsequent Year the prescribed Number, and if no Number be prescribed One Third of the Directors, being those who have been longest in Office, shall go out of Office, and their Places shall be supplied in like Manner; nevertheless, every Director so retiring from Office may be re-elected immediately or at any future Time, and after such Re-election shall, with reference to the going out by Rotation, be considered as a new Director: Provided always, that if the prescribed Number of Directors be some Number not divisible by Three, and the Number of Directors to retire be not prescribed, the Directors shall in each Case determine what Number of Directors, as nearly One Third as may be, shall go out of Office, so that the whole Number shall go out of Office in Three Years.

XCII. If any Director die or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid, the remaining Directors, if they think proper so to do, may elect in his Place some other Shareholder, duly qualified, to be a Director; and the Shareholder so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office. Supply of occasional Vacancies in Office of Directors.

And with respect to the Powers of the Directors and the Powers of the Company to be exercised only in General Meetings, be it enacted as follows: *Powers of Directors.*

XCIII. The Directors shall have the Management and Superintendence of the Affairs of the Company, and they may lawfully exercise all the Powers of the Company, except as to such Matters as are directed by this or the special Act to be transacted by a General Meeting of the Company; but all the Powers so to be exercised shall be exercised in accordance with and subject to the Provisions of this and the special Act; and the Exercise of all such Powers shall be subject also to the Control and Regulation of any General Meeting specially convened for the Purpose, but not so as to render invalid any Act done by the Directors prior to any Resolution passed by such General Meeting. Powers of the Company to be exercised by the Directors.

XCIV. Except as otherwise provided by the special Act, the following Powers of the Company, (that is to say,) the Choice and Removal of the Directors, except as herein-before mentioned, and the increasing or reducing of their Number where authorized by the special Act, the Choice of Auditors, the Determination as to the Remuneration of the Directors, Auditors, Treasurer, and Secretary, the Determination as to the Amount of Money to be borrowed on Powers of the Company not to be exercised by the Directors.

Powers of Directors.

Mortgage, the Determination as to the Augmentation of Capital, and the Declaration of Dividends, shall be exercised only at a General Meeting of the Company.

Proceedings of Directors.

And with respect to the Proceedings and Liabilities of the Directors, be it enacted as follows:

Meetings of Directors.

XCV. The Directors shall hold Meetings at such Times as they shall appoint for the Purpose, and they may meet and adjourn as they think proper from Time to Time, and from Place to Place; and at any Time any Two of the Directors may require the Secretary to call a Meeting of the Directors; and in order to constitute a Meeting of Directors, there shall be present at the least the prescribed Quorum, and when no Quorum shall be prescribed there shall be present at least One Third of the Directors; and all Questions at any such Meeting shall be determined by the Majority of Votes of the Directors present, and in case of an equal Division of Votes the Chairman shall have a casting Vote, in addition to his Vote as one of the Directors.

Permanent Chairman of Directors.

XCVI. At the first Meeting of Directors held after the passing of the special Act, and at the first Meeting of the Directors held after each annual Appointment of Directors, the Directors present at such Meeting shall choose one of the Directors to act as Chairman of the Directors for the Year following such Choice, and shall also, if they think fit, choose another Director to act as Deputy Chairman for the same Period; and if the Chairman or Deputy Chairman die or resign, or cease to be a Director, or otherwise become disqualified to act, the Directors present at the Meeting next after the Occurrence of such Vacancy shall choose some other of the Directors to fill such Vacancy; and every such Chairman or Deputy Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened.

Occasional Chairman of Directors.

XCVII. If at any Meeting of the Directors neither the Chairman nor Deputy Chairman be present the Directors present shall choose some one of their Number to be Chairman of such Meeting.

Committees of Directors. Powers of Committees.

XCVIII. It shall be lawful for the Directors to appoint One or more Committees consisting of such Number of Directors as they think fit, within the prescribed Limits, if any, and they may grant to such Committees respectively Power on behalf of the Company to do any Acts relating to the Affairs of the Company which the Directors could lawfully do, and which they shall from Time to Time think proper to intrust to them.

Meetings of Committees.

XCIX. The said Committees may meet from Time to Time, and may adjourn from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment; and no such Committee shall exercise the Powers intrusted to them, except at a Meeting at which there shall be present the prescribed Quorum, or if no Quorum be prescribed then a Quorum to be fixed for that

Purpose by the general Body of Directors; and at all Meetings of the Committees one of the Members present shall be appointed Chairman; and all Questions at any Meeting of the Committee shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote, in addition to his Vote as a Member of the Committee. *Proceedings of Directors.*

C. The Power which may be granted to any such Committee to make Contracts, as well as the Power of the Directors to make Contracts, on behalf of the Company, may lawfully be exercised as follows; (that is to say,) Contracts by Committee or Directors, how to be entered into.

With respect to any Contract which, if made between private Persons, would be by Law required to be by Deed or by Agreement, in Writing, and signed by the Parties to be charged therewith, then such Committee or the Directors may make such Contract on behalf of the Company, in Writing, either under the Common Seal of the Company, or signed by such Committee, or any Two of them, or any Two of the Directors, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would by Law be valid, although made by Parol only, and not reduced into Writing, such Committee, or the Directors, may make such Contract on behalf of the Company, by Parol only, without Writing, and in the same Manner may vary or discharge the same:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be; and on any Default in the Execution of any such Contract, either by the Company, or any other Party thereto, such Actions or Suits may be brought, either by or against the Company, as might be brought had the same Contracts been made between private Persons only.

CI. The Directors shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the Directors, and of the Orders and Proceedings of all Meetings of the Company, and of the Directors and Committees of Directors, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Directors; and every such Entry shall be signed by the Chairman of such Meeting; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Shareholders or Directors or Members of Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed, until the contrary be proved. Proceedings to be entered in a Book, and to be Evidence.

CII. All

Informalities in Appointment of Directors not to invalidate Proceedings.

CII. All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.

Directors not to be personally liable.

CIII. No Director, by being Party to or executing in his Capacity of Director any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Directors, shall be subject to be sued or prosecuted, either individually or collectively, by any Person whomsoever; and the Bodies or Goods or Lands of the Directors shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them, or by reason of any other lawful Act done by them in the Execution of any of their Powers as Directors; and the Directors, their Heirs, Executors, and Administrators, shall be indemnified out of the Capital of the Company for all Payments made or Liability incurred in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being of the Company may apply the existing Funds and Capital of the Company for the Purposes of such Indemnity, and may, if necessary for that Purpose, make Calls of the Capital remaining unpaid, if any.

Indemnity of Directors.

Auditors.

And with respect to the Appointment and Duties of Auditors, be it enacted as follows:

Election of Auditors.

CIV. Except where by the special Act Auditors shall be directed to be appointed otherwise than by the Company, the Company shall at the First Ordinary Meeting after the passing of the special Act elect the prescribed Number of Auditors, and if no Number is prescribed Two Auditors, in like Manner as is provided for the Election of Directors; and at the First Ordinary Meeting of the Company in each Year thereafter the Company shall in like Manner elect an Auditor to supply the Place of the Auditor then retiring from Office, according to the Provision herein-after contained; and every Auditor elected as herein-before provided, being neither removed nor disqualified, nor having resigned, shall continue to be an Auditor until another be elected in his Stead.

Qualification of Auditors.

CV. Where no other Qualification shall be prescribed by the special Act, every Auditor shall have at least One Share in the Undertaking, and he shall not hold any Office in the Company, nor be in any other Manner interested in its Concerns, except as a Shareholder.

Rotation of Auditors.

CVI. One of such Auditors (to be determined in the first instance by Ballot between themselves, unless they shall otherwise agree, and afterwards by Seniority,) shall go out of Office at the First Ordinary Meeting

Meeting in each Year; but the Auditor so going out shall be immediately re-eligible, and after any such Re-election shall, with respect to the going out of Office by Rotation, be deemed a new Auditor. *Auditors.*

CVII. If any Vacancy take place among the Auditors in the course of the current Year, then at any General Meeting of the Company the Vacancy may, if the Company think fit, be supplied by Election of the Shareholders. Vacancies in Office of Auditor.

CVIII. The Provision of this Act respecting the Failure of an Ordinary Meeting at which Directors ought to be chosen shall apply, *mutatis mutandis*, to any Ordinary Meeting at which an Auditor ought to be appointed. Failure of Meeting to elect Auditor.

CIX. The Directors shall deliver to such Auditors the half-yearly or other periodical Accounts and Balance Sheet Fourteen Days at the least before the ensuing Ordinary Meeting at which the same are required to be produced to the Shareholders, as herein-after provided. Delivery of Balance Sheet, &c., by Directors to Auditors.

CX. It shall be the Duty of such Auditors to receive from the Directors the half-yearly or other periodical Accounts and Balance Sheet required to be presented to the Shareholders, and to examine the same. Duty of Auditors.

CXI. It shall be lawful for the Auditors to employ such Accountants and other Persons as they may think proper, at the Expence of the Company, and they shall either make a special Report on the said Accounts, or simply confirm the same; and such Report or Confirmation shall be read, together with the Report of the Directors, at the Ordinary Meeting. Powers of Auditors.

And with respect to the Accountability of the Officers of the Company, be it enacted as follows: *Accountability of Officers.*

CXII. Before any Person intrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer of the Company, shall enter upon his Office, the Directors shall take sufficient Security from him for the faithful Execution of his Office. Security to be taken from Officers intrusted with Money.

CXIII. Every Officer employed by the Company shall from Time to Time, when required by the Directors, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account, in Writing under his Hand, of all Monies received by him on behalf of the Company; and such Account shall state how, and to whom, and for what Purpose, such Monies shall have been disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Directors, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing by him upon the Balance of such Accounts. Officers to account on demand.

Summary Remedy against Parties failing to account.

CXIV. If any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if, for Three Days after being thereunto required, he fail to deliver up to the Directors, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this or the special Act, or any Act incorporated therewith, or belonging to the Company, then, on Complaint thereof being made to the Sheriff or a Justice, such Sheriff or Justice shall summon or order such Officer to appear before such Sheriff, if the Summons or Order be issued by a Sheriff, or before Two or more Justices, if the Summons or Order be issued by a Justice, at a Time and Place to be set forth in such Summons or Order, to answer such Charge; and upon the Appearance of such Officer, or, in his Absence, upon Proof that such Summons or Order was personally served upon him, or left at his last known Place of Abode, such Sheriff or Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer or upon Evidence, or upon Inspection of the Account, that any Monies of the Company are in the Hands of such Officer, or owing by him to the Company, such Sheriff or Justices may order such Officer to pay the same; and if he fail to pay the Amount it shall be lawful for such Sheriff or Justices to grant a Warrant to levy the same by Poinding and Sale, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months.

Officers refusing to deliver up Documents, &c. to be imprisoned.

CXV. If any such Officer refuse to produce and deliver to the said Sheriff or Justices the several Vouchers and Receipts relating to his Accounts, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Company, such Sheriff or Justices may lawfully commit such Offender to Gaol, there to remain until he shall have delivered up all the Vouchers and Receipts, if any, in his Possession or Power, relating to such Accounts, and have delivered up all Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power, belonging to the Company.

Where Officer about to abscond, a Warrant may be issued in the first instance.

CXVI. Provided always, That if any Director or other Person acting on behalf of the Company shall make Oath that he has good reason to believe, upon Grounds to be stated in his Deposition, and does believe, that it is the Intention of any such Officer as aforesaid to abscond, it shall be lawful for the Sheriff or Justice before whom the Complaint is made, instead of issuing his Summons or Order, to issue his Warrant for the bringing such Officer before the Sheriff, to answer to the Charge, as herein-before directed, if the Warrant has been issued by the Sheriff, or before any Justice if the Warrant shall have been issued by a Justice; and it shall be lawful for the Justice before whom such Officer may be brought either to discharge such Officer, if he thinks there is no sufficient Ground for his Detention, or to order such Officer to be detained in Custody, so as to be brought before

before Two Justices at a Time and Place to be named in such Order, unless such Officer give Surety, to the Satisfaction of such Justice, for his Appearance before such Justices, to answer the Complaint of the Company. *Accountability of Officers.*

CXVII. No such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Company of any Remedy which they might otherwise have against such Officer, or any Surety of such Officer. Sureties not to be discharged.

And with respect to the keeping of Accounts, and the Right of Inspection thereof by the Shareholders, be it enacted as follows: *Accounts.*

CXVIII. The Directors shall cause full and true Accounts to be kept of all Sums of Money received or expended on account of the Company by the Directors, and all Persons employed by or under them, and of the Matters and Things for which such Sums of Money shall have been received, or disbursed and paid. Accounts to be kept.

CXIX. The Books of the Company shall be balanced at the prescribed Periods, and if no Periods be prescribed, Fourteen Days at least before each Ordinary Meeting; and forthwith on the Books being so balanced an exact Balance Sheet shall be made up, which shall exhibit a true Statement of the Capital Stock, Credits, and Property of every Description belonging to the Company, and the Debts due by the Company at the Date of making such Balance Sheet, and a distinct View of the Profit or Loss which shall have arisen on the Transactions of the Company in the course of the preceding Half Year; and previously to each Ordinary Meeting such Balance Sheet shall be examined by the Directors, or any Three of their Number, and shall be signed by the Chairman or Deputy Chairman of the Directors. Books to be balanced.

CXX. The Books so balanced, together with such Balance Sheet as aforesaid, shall for the prescribed Periods, and if no Periods be prescribed, for Fourteen Days previous to each Ordinary Meeting, and for One Month thereafter, be open for the Inspection of the Shareholders at the principal Office or Place of Business of the Company; but the Shareholders shall not be entitled at any Time, except during the Periods aforesaid, to demand the Inspection of such Books, unless in virtue of a written Order signed by Three of the Directors. Inspection of Accounts by Shareholders at stated Times.

CXXI. And be it enacted, That the Directors shall produce to the Shareholders assembled at such Ordinary Meeting the said Balance Sheet as aforesaid, applicable to the Period immediately preceding such Meeting, together with the Report of the Auditors thereon, as herein-before provided. Balance Sheet to be produced at the Meeting.

CXXII. The Directors shall appoint a Book-keeper to enter the Accounts aforesaid in Books to be provided for the Purpose; and every such Book-keeper shall permit any Shareholder to inspect such Books, and to take Copies or Entries therefrom, at any reasonable Time Book-keeper to allow Inspection of the Accounts at appointed Times.

Accounts.

Time during the prescribed Periods, and if no Periods be prescribed during One Fortnight before and One Month after every Ordinary Meeting; and if he fail to permit any such Shareholder to inspect such Books, or take Copies or Extracts therefrom, during the Periods aforesaid, he shall forfeit to such Shareholder for every such Offence a Sum not exceeding Five Pounds.

Dividends.

And with respect to the making of Dividends, be it enacted as follows:

Previously to Declaration of Dividends a Scheme to be prepared.

CXXIII. Previously to every Ordinary Meeting at which a Dividend is intended to be declared the Directors shall cause a Scheme to be prepared, showing the Profits, if any, of the Company for the Period current since the preceding Ordinary Meeting at which a Dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the Purposes of Dividend, among the Shareholders, according to the Shares held by them respectively, the Amount paid thereon, and the Periods during which the same may have been paid, and shall exhibit such Scheme at such Ordinary Meeting, and at such Meeting a Dividend may be declared according to such Scheme.

Dividend not to be made so as to reduce Capital.

CXXIV. The Company shall not make any Dividend whereby their Capital Stock will be in any degree reduced: Provided always, that the Word "Dividend" shall not be construed to apply to a Return of any Portion of the Capital Stock, with the Consent of all the Mortgagees and Bond Creditors of the Company, due Notice being given for that Purpose at an Extraordinary Meeting to be convened for that Object.

Power to Directors to set apart a Fund for Contingencies.

CXXV. Before apportioning the Profits to be divided among the Shareholders the Directors may, if they think fit, set aside thereout such Sum as they may think proper to meet Contingencies, or for enlarging, repairing, or improving the Works connected with the Undertaking, or any Part thereof, and may divide the Balance only among the Shareholders.

Dividend not to be paid unless all Calls paid.

CXXVI. No Dividend shall be paid in respect of any Share until all Calls then due in respect of that and every other Share held by the Person to whom such Dividend may be payable shall have been paid.

Bye Laws.

And with respect to the making of Bye Laws, be it enacted as follows:

Power to make Bye Laws for the Officers of the Company.

CXXVII. It shall be lawful for the Company from Time to Time to make such Bye Laws as they think fit, for the Purpose of regulating the Conduct of the Officers and Servants of the Company, and for providing for the due Management of the Affairs of the Company in all respects whatsoever, and from Time to Time to alter or repeal any such Bye Laws, and make others, provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have effect, or to the Provisions of this or the special Act;

and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company, and a Copy of such Bye Laws shall be given to every Officer and Servant of the Company affected thereby. *Bye Laws.*

CXXVIII. It shall be lawful for the Company by such Bye Laws to impose such reasonable Penalties upon all Persons, being Officers or Servants of the Company, offending against such Bye Laws, as the Company think fit, not exceeding Five Pounds for any one Offence. Fines for Breach of such Bye Laws.

CXXIX. All the Bye Laws to be made by the Company shall be so framed as to allow the Sheriff or Justices before whom any Penalty imposed thereby may be sought to be recovered to order a Part only of such Penalty to be paid, if such Sheriff shall think fit. Bye Laws to be so framed as that Penalties may be mitigated.

CXXX. The Production of a written or printed Copy of the Bye Laws of the Company, having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of such Bye Laws in all Cases of Prosecution under the same. Evidence of Bye Laws.

And with respect to the Settlement of Disputes by Arbitration, be it enacted as follows: *Arbitration.*

CXXXI. When any Dispute directed by this or the special Act, or any Act incorporated therewith, to be settled by Arbitration, shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbitrator, each Party, on the Request of the other Party, shall by Writing under his Hand nominate and appoint an Arbitrator to whom such Dispute shall be referred; and after any such Appointment shall have been made neither Party shall have Power to revoke the same, without the Consent of the other, nor shall the Death of either Party operate as such Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing shall have been served by the one Party on the other Party to appoint an Arbitrator, such last-mentioned Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties; and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbitrator shall be final. Appointment of Arbitrators when Questions are to be determined by Arbitration.

CXXXII. If, before the Matters so referred shall be determined, any Arbitrator appointed by either Party die, or become incapable or refuse or for Seven Days neglect to act as Arbitrator, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place; and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death, Refusal, or Disability as aforesaid. Vacancy of Arbitrator to be supplied.

Appointment of Umpire.

CXXXIII. Where more than One Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the Matters so referred to them, nominate and appoint by Writing under their Hands an Umpire to decide on any such Matters on which they shall differ; and if such Umpire shall die, or refuse or for Seven Days neglect to act, they shall forthwith after such Death, Refusal, or Neglect appoint another Umpire in his Place; and the Decision of every such Umpire on the Matters so referred to him shall be final.

Board of Trade empowered to appoint an Umpire, on Neglect of the Arbitrators.

CXXXIV. If in either of the Cases aforesaid the said Arbitrators shall refuse, or shall for Seven Days after Request of either Party to such Arbitration neglect to appoint an Umpire, it shall be lawful for the Lord Ordinary, on the Application of either Party to such Arbitration, to appoint an Umpire; and the Decision of such Umpire on the Matters on which the Arbitrators shall differ shall be final.

Power of Arbitrator to call for Books, &c.

CXXXV. The said Arbitrators, or their Umpire, may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose, and may also grant Diligence for the Recovery of such Documents as either Party may require, or for citing Witnesses; and, on Application to the Lord Ordinary, Letters of Supplement, or such other Writ as may be necessary, shall be issued by the Lord Ordinary, in support of such Diligence.

Costs to be in the Discretion of the Arbitrators.

CXXXVI. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the Costs of and attending every such Arbitration to be determined by the Arbitrators shall be in the Discretion of the Arbitrators or the Umpire, as the Case may be.

Notices.

And with respect to the giving of Notices, be it enacted as follows:

Service of Notices upon Company.

CXXXVII. Any Summons or Notice, or any Writ, or other Proceeding, at Law or in Equity, requiring to be served upon the Company, may be served by the same being left at or transmitted through the Post directed to the principal Office of the Company, or One of their principal Offices where there shall be more than One, or being given personally to the Secretary, or in case there be no Secretary then by being given to any One Director of the Company.

Service by Company on Shareholders.

CXXXVIII. Notices requiring to be served by the Company upon the Shareholders may, unless expressly required to be served personally, be served by the same being transmitted through the Post directed according to the registered Address or other known Address of the Shareholder, within such Period as to admit of its being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and in proving such

Service it shall be sufficient to prove that such Notice was properly directed, and that it was so put into the Post Office. *Notices.*

CXXXIX. All Notices directed to be given to the Shareholders shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of the said Persons shall be named first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share. Notices to joint Proprietors of Shares.

CXL. All Notices required by this or the special Act, or any Act incorporated therewith, to be given by Advertisement, shall be advertised in the prescribed Newspaper, or if no Newspaper be prescribed, or if the prescribed Newspaper cease to be published, in a Newspaper circulating in the District within which the Company's principal Place of Business shall be situated. Notice by Advertisement.

CXLI. Every Summons, Demand, or Notice, or other such Document requiring Authentication by the Company, may be signed by Two Directors, or by the Treasurer or the Secretary of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print. Authentication of Notices.

CXLII. And be it enacted, That if any Person against whom the Company shall have any Claim or Demand become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Secretary or Treasurer of the Company, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against such Bankrupt or Insolvent, to represent the Company, and act in their Behalf, in all respects as if such Claim or Demand had been the Claim or Demand of such Secretary or Treasurer, and not of the Company. Proof of Debts in Bankruptcy.

CXLIII. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or by virtue of any Power or Authority thereby given, and if, before Action brought in respect thereof, such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defender, by Leave of the Court where such Action shall be pending, at any Time before the Record is closed, to pay into Court such Sum of Money as he shall think fit; and thereupon such Proceedings shall be had as in other Cases where Defenders are allowed to pay Money into Court. Tender of Amends.

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, be it enacted as follows:

CXLIV. In all Cases where any Damages, Costs, or Expences are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount, in case of Dispute, Provision for Damages not otherwise provided for.

Recovery of Damages and Penalties.

Dispute, shall be ascertained and determined by the Sheriff; and if the Amount so ascertained be not paid by the Company or other Party liable to pay the same within Seven Days after Demand, the Amount may be recovered by Poinding and Sale of the Goods of the Company or other Party liable as aforesaid; and the Sheriff shall, on Application, issue his Warrant accordingly.

Distress, &c. against the Treasurer.

CXLV. If sufficient Goods of the Company cannot be found whereon to levy any such Damages, Costs, or Expences, payable by the Company, the same may, if the Amount thereof do not exceed Twenty Pounds, be recovered by Poinding and Sale of the Goods of the Treasurer of the Company; and the Sheriff, on Application, shall issue his Warrant accordingly; but no such Poinding and Sale shall be executed against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence; and if such Treasurer pay any Money under such Distress or Poinding and Sale as aforesaid, he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue the Company for the same.

Method of proceeding before the Sheriff or Justices in Questions of Damages, &c.

CXLVI. Where, in this or the special Act, or any Act incorporated therewith, any Question of Expences, Charges, or Damages is referred to the Determination of any Sheriff or Justices, it shall be lawful for the Sheriff or any Justice, upon the Application of either Party, to summon the other Party to appear before such Sheriff, or before Two Justices, as the Case may require, at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or, in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such Sheriff, or such Two Justices, as the Case may be, to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and their Witnesses, on Oath; and the Costs of every such Inquiry shall be in the Discretion of such Sheriff or Justices, and he or they shall determine the Amount thereof.

Publication of Penalties.

CXLVII. The Company shall publish the short Particulars of the several Offences for which any Penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law of the Company affecting other Persons than the Shareholders, Officers, or Servants of the Company, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

CXLVIII. If

CXLVIII. If any Person pull down or injure any Board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expences attending the Restoration of such Board.

Penalty for defacing Boards used for such Publication.

CXLIX. Every Penalty or Forfeiture imposed by this or the special Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before the Sheriff or Two Justices; and on Complaint being made to any Sheriff or Justice he shall issue an Order requiring the Party complained against to appear before himself, if the Order be issued by a Sheriff, or before Two or more Justices, if the Order be issued by a Justice, at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the due Service of such Order, it shall be lawful for any Sheriff or Two Justices to proceed to the hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Sheriff or Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction, as such Sheriff or Justices shall think fit.

Penalties to be summarily recovered before the Sheriff or Two Justices.

CL. If forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Poinding and Sale; and such Sheriff or Justices, or either of them, shall issue his or their Warrant of Poinding and Sale accordingly.

Penalties to be levied by Distress.

CLI. It shall be lawful for any such Sheriff or Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Poinding and Sale to be issued for levying such Penalty or Forfeiture, and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Sheriff or Justices, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Poinding and Sale it shall appear to the Sheriff or Justices, by the Admission of the Offender or otherwise, that no sufficient Poinding and Sale can be had within the Jurisdiction of such Sheriff or Justices whereon to levy such Penalty or Forfeiture, and Costs, he or they may, if he or they think fit, refrain from issuing such Warrant; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Sheriff or Justices, then such Sheriff or Justices shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without

Imprisonment in default of Distress.

Recovery of Damages and Penalties.

Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture, and Costs, be sooner paid and satisfied.

Distress, &c. how to be levied.

CLII. Where in this or the special Act, or any Act incorporated therewith, any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Poinding and Sale, such Sum of Money shall be levied by Poinding and Sale of the Goods and Effects of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and Effects, after satisfying such Sum of Money and the Expences of the Poinding and Sale, shall be returned, on demand, to the Party whose Goods shall have been seized.

Distress, &c. not unlawful for Want of Form.

CLIII. No Poinding and Sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser or Wrongdoer, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, or other Proceeding relating thereto; but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action before the Sheriff Court.

Application of Penalties.

CLIV. The Sheriff or Justices by whom any such Penalty or Forfeiture shall be imposed, where the Application thereof is not otherwise provided for, may award not more than One Half thereof to the Informer, and shall award the Remainder to the Kirk Session of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CLV. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any Offence made cognizable before the Sheriff or Justices, unless the Complaint respecting such Offence shall have been made before such Sheriff or some Justice within Six Months next after the Commission of such Offence.

Damage to be made good in addition to Penalty.

CLVI. If, through any Act, Neglect, or Default on account whereof any Person shall have incurred any Penalty imposed by this or the special Act, or any Act incorporated therewith, any Damage to the Property of the Company shall have been committed by such Person, he shall be liable to make good such Damage, as well as to pay such Penalty; and the Amount of such Damages shall, in case of Dispute, be determined by the Sheriff or Justices by whom the Party incurring such Penalty shall have been convicted; and on Nonpayment of such Damages, on demand, the same shall be levied by Poinding and Sale, and such Sheriff or Justices shall issue his or their Warrant accordingly.

Penalty on Witnesses making Default.

CLVII. It shall be lawful for any Sheriff or Justice to summon any Person to appear before him as a Witness in any Matter in which such Sheriff or Justice, or Two or more Justices, shall have Jurisdiction, under the Provisions of this or the special Act, or any Act incorporated therewith, at a Time and Place mentioned in such

Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Sheriff or Justice, or Justices, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence. *Recovery of Damages and Penalties.*

CLVIII. It shall be lawful for any Officer or Agent of the Company, and all Persons called by him to his Assistance, to seize and detain any Person who shall be found committing any Offence against the Provisions of this or the special Act, or any Act incorporated therewith, and whose Name and Residence shall be unknown to such Officer or Agent, and convey him, with all convenient Despatch, before the Sheriff or a Justice, without any Warrant or other Authority than this or the special Act; and such Sheriff or Justice shall proceed with all convenient Despatch in the Matter of the Complaint against such Offender. Transient Offenders.

CLIX. Any Sheriff to whom any Application is authorized to be made, and before whom any Judicial Proceedings shall in consequence take place or become necessary, under or by virtue of this or the special Act, or any Act incorporated therewith, shall and he is hereby authorized and required summarily to call before him all Parties who appear to him to be interested therein, and to proceed forthwith to hear *vivâ voce*, and pronounce Judgment regarding the Matters mentioned in such Application or Proceeding, or to do the several Matters and Things required by this Act to be done by him, without waiting the ordinary Course of the Roll of Causes before him, and without written Pleadings, or a written Record, or reducing any Evidence which may be led by either of the Parties to Writing, unless and except where the said Sheriff shall consider that the Matters mentioned in such Application or Proceedings can with more Advantage be decided with written Pleadings and with a written Record, in which Case he shall proceed to make up a Record, and bring the said Matters to a Conclusion with all convenient Despatch; and the Orders and Judgments of the said Sheriff, when pronounced without a Record, shall be final and conclusive, and not subject to Review by Suspension or Advocation, or to Reduction, on any Ground whatever. Proceedings by Sheriff need not be in Writing.

CLX. The Sheriff or Justice, or Justices, before whom any Person shall be convicted of any Offence against this or the special Act, or any Act incorporated therewith, may cause the Conviction to be drawn up according to the Form in the Schedule (G.) to this Act annexed. Form of Conviction.

CLXI. No Proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for Want of Form, nor shall the same be removed by Suspension or otherwise into any Superior Court. Proceedings not to be quashed for Want of Form, nor removed by Suspension.

CLXII. In

Power of Appeal to Sheriff.

CLXII. In all Cases which may come before any Sheriff Substitute under this or the special Act, or any Act incorporated therewith, in which written Pleadings shall have been allowed, and a written Record shall have been made up, and where the Evidence which has been led by the Parties shall have been reduced to Writing, but in no other Case whatever, it shall be competent for any of the Parties thereto, within Seven Days after a final Judgment shall have been pronounced by such Sheriff Substitute, to appeal against the same to the Sheriff of the County, by lodging a Minute of Appeal with the Sheriff Clerk of such County, or his Depute; and the said Sheriff shall thereupon review the Proceedings of the said Sheriff Substitute, and whole Process, and, if he think proper, hear the Parties *vivâ voce* thereon, and pronounce Judgment; and such Judgment shall in no Case be subject to Review by Suspension or Advocation, or to Reduction, on any Ground whatever.

Parties allowed to appeal from Justices to Quarter Sessions, on giving Security.

CLXIII. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice, or Two or more Justices, with respect to any Penalty or Forfeiture under the Provisions of this or the special Act, or any Act incorporated therewith, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CLXIV. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Access to special Act.

And with respect to the Provision to be made for affording Access to the special Act by all Parties interested, be it enacted as follows:

Copies of special Act to be kept and deposited, and allowed to be inspected.

CLXV. The Company shall at all Times after the Expiration of Six Months after the passing of the special Act keep in their principal Office of Business a Copy of the special Act printed by the Printers to Her Majesty, or some of them; and where the Undertaking shall be a Railway, Canal, or other like Undertaking, the Works of which shall not be confined to One Town or Place, shall also within the Space of such Six Months deposit in the Office of each of the Clerks of the Peace of the several Counties into which the

the Works shall extend, and in the Office of the Town Clerk of every Burgh or City into which, or within One Mile of which, the Works shall extend, a Copy of such special Act, so printed as aforesaid; and the said Clerks of the Peace and Town Clerks shall receive, and they and the Company respectively shall retain, the said Copies of the special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.* 7 W 4. & 1 Vict. c. 83.

CLXVI. If the Company shall fail to keep or deposit, as hereinbefore mentioned, any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited. Penalty on Company failing to keep or deposit such Copies.

CLXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended this Session.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Certificate of Share.

"The Company."

Number

THIS is to certify, That *A. B.* of is the Proprietor of the Share Number of "The Company," subject to the Regulations of the said Company. Given under the Common Seal of the said Company, the Day of in the Year of our Lord

SCHEDULE (B.)

Form of Transfer of Shares or Stock.

I of in consideration of the Sum of paid to me by of do hereby transfer to the said Share [*or* Shares] numbered in the Undertaking called "The Company" [*or* Pounds Consolidated Stock in the Undertaking called "The Company," standing (*or* Part of the Stock standing) in my Name in the Books of the Company], to hold unto the said his Executors, Administrators, and Assigns [*or* Successors and Assigns], subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said do hereby agree to take the said Share [*or* Shares] [*or* Stock], subject to the same Conditions. [*Here insert Testing Clause according to the Form of the Law of Scotland, if executed in Scotland, and if executed in England, the Form of Attestation usual in England.*]

SCHEDULE (C.)

Form of Mortgage Deed.

"The Company."

Mortgage, Number £

BY virtue [*here name the special Act*], we, "The Company," in consideration of the Sum of Pounds paid to us by *A. B.* of do assign unto the said

said *A.B.*, his Executors, Administrators, and Assignees, the said Undertaking [and (*in case such Loan shall be in anticipation of the Capital authorized to be raised*) all future Calls on Shareholders], and all the Tolls and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof (*in case any Period be agreed upon for that Purpose*), at *or any Place of Payment other than the principal Office of the Company*]. In witness whereof, &c. [*Here insert the Testing Clause of Deeds executed in Scotland.*]

SCHEDULE (D.)

Form of Bond.

"The Company."

Bond, Number £

By virtue of [*here name the special Act*], we "The Company," in consideration of the Sum of Pounds to us in hand paid by *A.B.* of do bind ourselves and our Successors unto the said *A.B.*, his Executors, Administrators, and Assigns, in the Sum of Pounds, to be repaid to the said *A.B.*, his Executors, Administrators, or Assigns, at (*in case any other Place of Payment than the principal Office of the Company be intended*) on the Day of which will be in the Year One thousand eight hundred and , with a Fifth Part more of liquidate Penalty in case of Failure, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and Day of . In witness whereof, &c. [*Here insert the Testing Clause of Deeds executed in Scotland.*]

SCHEDULE (E.)

Form of Transfer of Mortgage or Bond.

I *A.B.* of in consideration of the Sum of paid to me by *G.H.* of do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage] Number made by "The Company" to bearing Date the Day of for securing the Sum of and Interest [*or, if such*

such Transfer be by Endorsement, the within Security,] and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage*, and in and to the Tolls, Money, and Property thereby assigned.] [*Here insert Scotch Testing Clause, if executed in Scotland, and if executed in England, the Form of Attestation usual in England.*]

SCHEDULE (F.)

Form of Proxy.

A. B. One of the Proprietors of "The Company," doth hereby appoint *C. D.* of to be the Proxy of the said *A. B.*, in his Absence to vote in his Name upon any Matter relating to the Undertaking proposed at the Meeting of the Proprietors of the said Company to be held on the Day of next, in such Manner as he the said *C. D.* doth think proper. In witness whereof the said *A. B.* hath hereunto set his Hand [*or, if a Corporation, say* the Common Seal of the Corporation], the Day of One thousand eight hundred and .

SCHEDULE (G.)

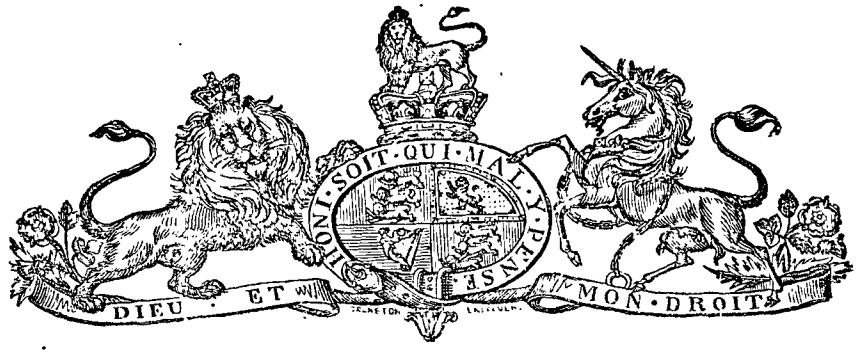
Form of Conviction before

to wit.

Be it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C.*, the Sheriff, *or* before us *D.*, *E.*, Two of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under my Hand [*or* under our Hands], the Day and Year first above written.

C.
D.
E.

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XVIII.

An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature. [8th *May* 1845.]

WHEREAS it is expedient to comprise in One genéral Act sundry Provisions usually introduced into Acts of Parliament relative to the Acquisition of Lands required for Undertakings or Works of a public Nature, and to the Compensation to be made for the same, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall apply to every Undertaking authorized by any Act which shall hereafter be passed, and which shall authorize the Purchase or taking of Lands for such Undertaking, and this Act shall be incorporated with such Act; and all the Clauses and Provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same

Act to apply to all Undertakings authorized by Acts hereafter to be passed.

same shall be applicable to such Undertaking, and shall, as well as the Clauses and Provisions of every other Act which shall be incorporated with such Act, form Part of such Act, and be construed, together therewith, as forming One Act.

Interpretations in this Act:

And with respect to the Construction of this Act and of Acts to be incorporated therewith, be it enacted as follows:

"special Act:"

II. The Expression "the special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed which shall authorize the taking of Lands for the Undertaking to which the same relates, and with which this Act shall be so incorporated as aforesaid;

"prescribed:"

and the Word "prescribed," used in this Act in reference to any Matter herein stated, shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act, and the Sentence in which such Word shall occur shall be construed as if, instead of the Word "prescribed," the Expression "prescribed for that Purpose in the special Act" had been used; and the Expression

"the Works:"

"the Works" or "the Undertaking" shall mean the Works or Undertaking, of whatever Nature, which shall by the special Act be authorized to be executed; and the Expression

"Promoters of the Undertaking."

"the Promoters of the Undertaking" shall mean the Parties, whether Company, Undertakers, Commissioners, Trustees, Corporations, or private Persons, by the special Act empowered to execute such Works or Undertaking.

Interpretations in this and the special Act:

III. The following Words and Expressions, both in this and the special Act, shall have the several Meanings hereby assigned to them, unless there be something either in the Subject or Context repugnant to such Construction; (that is to say,)

Number:

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number:

Gender:

Words importing the Masculine Gender only shall include Females:

"Lands:"

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

"Lease:"

The Word "Lease" shall include an Agreement for a Lease:

"Month:"

The Word "Month" shall mean Calendar Month:

"Superior Courts:"

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster* or *Dublin*, as the Case may require:

"Oath:"

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath:

"County:"

The Word "County" shall include any Riding or other like Division of a County, and shall also include County of a City or County of a Town:

"the Sheriff:"

The Word "Sheriff" shall include Under Sheriff, or other legally competent Deputy; and where any Matter in relation to any Lands is required to be done by any Sheriff, or by any Clerk of the Peace, the Expression "the Sheriff," or the Expression "the Clerk of the Peace,"

"the Clerk of the Peace:"

shall in such Case be construed to mean the Sheriff or the Clerk of the Peace of the County, City, Borough,

Borough, Liberty, Cinque Port, or Place where such Lands shall be situate; and if the Lands in question, being the Property of one and the same Party, be situate not wholly in one County, City, Borough, Liberty, Cinque Port, or Place, the same Expression shall be construed to mean the Sheriff or Clerk of the Peace of any County, City, Borough, Liberty, Cinque Port, or Place where any Part of such Lands shall be situate:

"Justices:" The Word "Justices" shall mean Justices of the Peace acting for the County, City, Liberty, Cinque Port, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where such Matter shall arise in respect of Lands being the Property of one and the same Party, situate not wholly in any one County, City, Borough, Liberty, Cinque Port, or Place, the same shall mean a Justice acting for the County, City, Borough, Liberty, Cinque Port, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter; and where any Matter shall be authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two Justices assembled and acting together.

"Two Justices:"

"Owner:" Where under the Provisions of this or the special Act, or any Act incorporated therewith, any Notice shall be required to be given to the Owner of any Lands, or where any Act shall be authorized or required to be done with the Consent of any such Owner, the Word "Owner" shall be understood to mean any Person or Corporation who, under the Provisions of this or the special Act, would be enabled to sell and convey Lands to the Promoters of the Undertaking:

"the Bank." The Expression "the Bank" shall mean the Bank of *England* where the same shall relate to Monies to be paid or deposited in respect of Lands situate in *England*, and shall mean the Bank of *Ireland* where the same shall relate to Monies to be paid or deposited in respect of Lands situate in *Ireland*.

Short Title of the Act. IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Lands Clauses Consolidation Act, 1845."

Form in which Portions of this Act may be incorporated with other Acts. V. And whereas it may be convenient in some Cases to incorporate with Acts of Parliament hereafter to be passed some Portion only of the Provisions of this Act; be it therefore enacted, That, for the Purpose of making any such Incorporation, it shall be sufficient in any such Act to enact that the Clauses of this Act with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act in the Words introductory to the Enactment with respect to such Matter,) shall be incorporated with such Act, and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate.

And

Purchase of Lands by Agreement.

And with respect to the Purchase of Lands by Agreement, be it enacted as follows:

Power to purchase Lands by Agreement.

VI. Subject to the Provisions of this and the special Act it shall be lawful for the Promoters of the Undertaking to agree with the Owners of any Lands by the special Act authorized to be taken, and which shall be required for the Purposes of such Act, and with all Parties having any Estate or Interest in such Lands, or by this or the special Act enabled to sell and convey the same, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all Estates and Interests in such Lands of what Kind soever.

Parties under Disability enabled to sell and convey.

VII. It shall be lawful for all Parties, being seised, possessed of, or entitled to any such Lands, or any Estate or Interest therein, to sell and convey or release the same to the Promoters of the Undertaking, and to enter into all necessary Agreements for that Purpose; and particularly it shall be lawful for all or any of the following Parties so seised, possessed, or entitled as aforesaid so to sell, convey, or release; (that is to say,) all Corporations, Tenants in Tail or for Life, married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in trust for charitable or other Purposes, Executors and Administrators, and all Parties for the Time being entitled to the Receipt of the Rents and Profits of any such Lands in possession or subject to any Estate in Dower, or to any Lease for Life, or for Lives and Years, or for Years, or any less Interest; and the Power so to sell and convey or release as aforesaid may lawfully be exercised by all such Parties, other than married Women entitled to Dower, or Lessees for Life, or for Lives and Years, or for Years, or for any less Interest, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in reversion, remainder, or expectancy after them, or in defeasance of the Estates of such Parties, and as to such married Women, whether they be of full Age or not, as if they were sole and of full Age, and as to such Guardians, on behalf of their Wards, and as to such Committees, on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics and Idiots respectively could have exercised the same Power under the Authority of this or the special Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this and the special Act if they had respectively been under no Disability.

Parties under Disability to exercise other Powers.

VIII. The Power herein-after given to enfranchise Copyhold Lands, as well as every other Power required to be exercised by the Lord of any Manor pursuant to the Provisions of this or the special Act, or any Act incorporated therewith, and the Power to release Lands from any Rent, Charge, or Incumbrance, and to agree for the Apportionment

tionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and convey or release Lands to the Promoters of the Undertaking. *Purchase of Lands by Agreement.*

IX. The Purchase Money or Compensation to be paid for any Lands to be purchased or taken from any Party under any Disability or Incapacity, and not having Power to sell or convey such Lands except under the Provisions of this or the special Act, and the Compensation to be paid for any permanent Damage or Injury to any such Lands, shall not, except where the same shall have been determined by the Verdict of a Jury, or by Arbitration, or by the Valuation of a Surveyor appointed by Two Justices under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Promoters of the Undertaking, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall upon Application of either Party, after Notice to the other Party, for that Purpose nominate; and each of such Two Surveyors if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration in Writing, subscribed by them or him, of the Correctness thereof; and all such Purchase Money or Compensation shall be deposited in the Bank for the Benefit of the Parties interested, in manner herein-after mentioned. Amount of Compensation in case of Parties under Disability to be ascertained by Valuation, and paid into the Bank.

X. It shall be lawful for any Person seised in Fee of, or entitled to dispose of absolutely for his own Benefit, any Lands authorized to be purchased for the Purposes of the special Act to sell and convey such Lands or any Part thereof unto the Promoters of the Undertaking, in consideration of an annual Rent-charge payable by the Promoters of the Undertaking, but, except as aforesaid, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum. Where Vendor absolutely entitled, Lands may be sold on chief Rents.

XI. The yearly Rents reserved by any such Conveyance shall be charged on the Tolls or Rates, if any, payable under the special Act, and shall be otherwise secured in such Manner as shall be agreed between the Parties, and shall be paid by the Promoters of the Undertaking as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Promoters of the Undertaking, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the Promoters of the Undertaking. Payment of Rents to be charged on Tolls.

XII. In case the Promoters of the Undertaking shall be empowered by the special Act to purchase Lands for extraordinary Purposes, it shall be lawful for all Parties who, under the Provisions herein-before contained, would be enabled to sell and convey Lands, to sell and Power to purchase Lands required for additional

Accommodation.

and convey the Lands so authorized to be purchased for extraordinary Purposes.

Authority to sell and repurchase such Lands.

XIII. It shall be lawful for the Promoters of the Undertaking to sell the Lands which they shall have so acquired for extraordinary Purposes, or any Part thereof, in such Manner, and for such Considerations, and to such Persons, as the Promoters of the Undertaking may think fit, and again to purchase other Lands for the like Purposes, and afterwards sell the same, and so from Time to Time; but the total Quantity of Land to be held at any one Time by the Promoters of the Undertaking, for the Purposes aforesaid, shall not exceed the prescribed Quantity.

Restraint on Purchase from incapacitated Persons.

XIV. The Promoters of the Undertaking shall not, by virtue of the Power to purchase Land for extraordinary Purposes, purchase more than the prescribed Quantity from any Party under legal Disability, or who would not be able to sell and convey such Lands except under the Powers of this and the special Act; and if the Promoters of the Undertaking purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the whole or any Part of the Land so purchased, it shall not be lawful for any Party being under legal Disability to sell to the Promoters of the Undertaking any other Lands in lieu of the Land so sold or disposed of by them.

Municipal Corporations not to sell without the Approbation of the Treasury.

XV. Nothing in this or the special Act contained shall enable any Municipal Corporation to sell for the Purposes of the special Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, any Lands which they could not have sold without such Approbation before the passing of the special Act, other than such Lands as the Company are by the Powers of this or the special Act empowered to purchase or take compulsorily.

Purchase of Lands otherwise than by Agreement.

And with respect to the Purchase and taking of Lands otherwise than by Agreement, be it enacted as follows:

Capital to be subscribed before compulsory Powers of Purchase put in force.

XVI. Where the Undertaking is intended to be carried into effect by means of a Capital to be subscribed by the Promoters of the Undertaking, the whole of the Capital or estimated Sum for defraying the Expences of the Undertaking shall be subscribed under Contract binding the Parties thereto, their Heirs, Executors, and Administrators, for the Payment of the several Sums by them respectively subscribed, before it shall be lawful to put in force any of the Powers of this or the special Act, or any Act incorporated therewith, in relation to the compulsory taking of Land for the Purposes of the Undertaking.

A Certificate of Two Justices to be Evidence that the Capital has been subscribed.

XVII. A Certificate under the Hands of Two Justices, certifying that the whole of the prescribed Sum has been subscribed, shall be sufficient Evidence thereof, and on the Application of the Promoters of the Undertaking, and the Production of such Evidence as such Justices think proper and sufficient, such Justices shall grant such Certificate accordingly.

XVIII. When

Notice of Intention to take Lands.

XVIII. When the Promoters of the Undertaking shall require to purchase or take any of the Lands which by this or the special Act, or any Act incorporated therewith, they are authorized to purchase or take, they shall give notice thereof to all the Parties interested in such Lands, or to the Parties enabled by this Act to sell and convey or release the same, or such of the said Parties as shall, after diligent Inquiry, be known to the Promoters of the Undertaking, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall state the Particulars of the Lands so required, and that the Promoters of the Undertaking are willing to treat for the Purchase thereof, and as to the Compensation to be made to all Parties for the Damage that may be sustained by them by reason of the Execution of the Works.

Service of Notices on Owners and Occupiers of Lands.

XIX. All Notices required to be served by the Promoters of the Undertaking upon the Parties interested in or entitled to sell any such Lands shall either be served personally on such Parties or left at their last usual Place of Abode, if any such can after diligent Inquiry be found, and in case any such Parties shall be absent from the United Kingdom, or cannot be found after diligent Inquiry, shall also be left with the Occupier of such Lands, or, if there be no such Occupier, shall be affixed upon some conspicuous Part of such Lands.

Service of Notice on a Corporation aggregate.

XX. If any such Party be a Corporation aggregate such Notice shall be left at the principal Office of Business of such Corporation, or if no such Office can after diligent Inquiry be found, shall be served on some principal Member, if any, of such Corporation, and such Notice shall also be left with the Occupier of such Lands, or, if there be no such Occupier, shall be affixed upon some conspicuous Part of such Lands.

If Parties fail to treat, or in case of Dispute, Question to be settled as after mentioned.

XXI. If, for Twenty-one Days after the Service of such Notice, any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Promoters of the Undertaking in respect thereof, or if such Party and the Promoters of the Undertaking shall not agree as to the Amount of the Compensation to be paid by the Promoters of the Undertaking for the Interest in such Lands belonging to such Party, or which he is by this or the special Act enabled to sell, or for any Damage that may be sustained by him by reason of the Execution of the Works, the Amount of such Compensation shall be settled in the Manner hereinafter provided for settling Cases of disputed Compensation.

Disputes as to Compensation where the Amount claimed does not exceed 50*l.* to be settled by Two Justices.

XXII. If no Agreement be come to between the Promoters of the Undertaking and the Owners of or Parties by this Act enabled to sell and convey or release any Lands taken or required for or injuriously affected by the Execution of the Undertaking, or any Interest in such Lands, as to the Value of such Lands or of any Interest therein, or as to the Compensation to be made in respect thereof, and if in any such Case the Compensation claimed shall not exceed Fifty Pounds, the same shall be settled by Two Justices.

XXIII. If

Compensation exceeding 50*l.* to be settled by Arbitration or Jury, at the Option of the Party claiming Compensation.

XXIII. If the Compensation claimed or offered in any such Case shall exceed Fifty Pounds, and if the Party claiming Compensation desire to have the same settled by Arbitration, and signify such Desire by Notice in Writing to the Promoters of the Undertaking, before they have issued their Warrant to the Sheriff to summon a Jury in respect of such Lands, under the Provisions herein-after contained, stating in such Notice the Nature of the Interest in respect of which such Party claims Compensation, and the Amount of the Compensation so claimed, the same shall be so settled accordingly; but unless the Party claiming Compensation shall as aforesaid signify his Desire to have the Question of such Compensation settled by Arbitration, or if when the Matter shall have been referred to Arbitration the Arbitrators or their Umpire shall for Three Months have failed to make their or his Award, or if no final Award shall be made, the Question of such Compensation shall be settled by the Verdict of a Jury, as herein-after provided.

Method of proceeding for settling Disputes as to Compensation by Justices.

XXIV. It shall be lawful for any Justice, upon the Application of either Party with respect to any Question of disputed Compensation by this or the special Act, or any Act incorporated therewith, authorized to be settled by Two Justices, to summon the other Party to appear before Two Justices, at a Time and Place to be named in the Summons, and upon the Appearance of such Parties, or in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such Justices to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and their Witnesses, upon Oath, and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof.

Appointment of Arbitrator when Questions are to be determined by Arbitration.

XXV. When any Question of disputed Compensation by this or the special Act, or any Act incorporated therewith, authorized or required to be settled by Arbitration, shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbitrator, each Party, on the Request of the other Party, shall nominate and appoint an Arbitrator, to whom such Dispute shall be referred; and every Appointment of an Arbitrator shall be made on the Part of the Promoters of the Undertaking under the Hands of the said Promoters or any Two of them, or of their Secretary or Clerk, and on the Part of any other Party under the Hand of such Party, or if such Party be a Corporation Aggregate under the Common Seal of such Corporation; and such Appointment shall be delivered to the Arbitrator, and shall be deemed a Submission to Arbitration on the Part of the Party by whom the same shall be made; and after any such Appointment shall have been made neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of either Party operate as a Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing, in which shall be stated the Matter so required to be referred to Arbitration, shall have been served by the one Party on the other Party to appoint an Arbitrator, such last-mentioned Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may

appoint such Arbitrator to act on behalf of both Parties, and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbitrator shall be final. *Purchase of Lands otherwise than by Agreement.*

XXVI. If, before the Matters so referred shall be determined, any Arbitrator appointed by either Party die, or become incapable, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place, and if, for the Space of Seven Days after Notice in Writing from the other Party for that Purpose, he fail to do so, the remaining or other Arbitrator may proceed *ex parte;* and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death or Disability as aforesaid. Vacancy of Arbitrator to be supplied.

XXVII. Where more than One Arbitrator shall have been appointed such Arbitrators shall, before they enter upon the Matters referred to them, nominate and appoint, by Writing under their Hands, an Umpire to decide on any such Matters on which they shall differ, or which shall be referred to him under the Provisions of this or the special Act, and if such Umpire shall die, or become incapable to act, they shall forthwith after such Death or Incapacity appoint another Umpire in his Place, and the Decision of every such Umpire on the Matters so referred to him shall be final. Appointment of Umpire.

XXVIII. If in either of the Cases aforesaid the said Arbitrators shall refuse, or shall, for Seven Days after Request of either Party to such Arbitration, neglect to appoint an Umpire, the Board of Trade, in any Case in which a Railway Company shall be one Party to the Arbitration, and Two Justices in any other Case, shall, on the Application of either Party to such Arbitration, appoint an Umpire, and the Decision of such Umpire on the Matters on which the Arbitrators shall differ, or which shall be referred to him under this or the special Act, shall be final. Board of Trade empowered to appoint an Umpire on Neglect of the Arbitrators, in case of Railway Companies.

XXIX. If, when a single Arbitrator shall have been appointed, such Arbitrator shall die or become incapable to act before he shall have made his Award, the Matters referred to him shall be determined by Arbitration under the Provisions of this or the special Act in the same Manner as if such Arbitrator had not been appointed. In case of Death of single Arbitrator the Matter to begin de novo.

XXX. If, where more than One Arbitrator shall have been appointed, either of the Arbitrators refuse or for Seven Days neglect to act the other Arbitrator may proceed *ex parte*, and the Decision of such other Arbitrator shall be as effectual as if he had been the single Arbitrator appointed by both Parties. If either Arbitrator refuse to act the other to proceed ex parte.

XXXI. If where more than One Arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such Arbitrators shall fail to make their Award within Twenty-one Days after the Day on which the last of such Arbitrators shall have been appointed, or within such extended Time (if any,) as shall If Arbitrators fail to make their Award within Twenty-one Days the

Matter to go to the Umpire.

shall have been appointed for that Purpose by both such Arbitrators under their Hands, the Matters referred to them shall be determined by the Umpire to be appointed as aforesaid.

Power of Arbitrators to call for Books, &c.

XXXII. The said Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator or Umpire to make a Declaration.

XXXIII. Before any Arbitrator or Umpire shall enter into the Consideration of any Matters referred to him, he shall in the Presence of a Justice make and subscribe the following Declaration; that is to say,

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of the Act [*naming the special Act*]. *A.B.*

'Made and subscribed in the Presence of .'

And such Declaration shall be annexed to the Award when made; and if any Arbitrator or Umpire having made such Declaration shall wilfully act contrary thereto he shall be guilty of a Misdemeanor.

Costs of Arbitration how to be borne.

XXXIV. All the Costs of any such Arbitration, and incident thereto, to be settled by the Arbitrators, shall be borne by the Promoters of the Undertaking, unless the Arbitrators shall award the same or a less Sum than shall have been offered by the Promoters of the Undertaking, in which Case each Party shall bear his own Costs incident to the Arbitration, and the Costs of the Arbitrators shall be borne by the Parties in equal Proportions.

Award to be delivered to the Promoters of the Undertaking.

XXXV. The Arbitrators shall deliver their Award in Writing to the Promoters of the Undertaking, and the said Promoters shall retain the same, and shall forthwith, on demand, at their own Expence, furnish a Copy thereof to the other Party to the Arbitration, and shall at all Times, on demand, produce the said Award, and allow the same to be inspected or examined by such Party or any Person appointed by him for that Purpose.

Submission may be made a Rule of Court.

XXXVI. The Submission to any such Arbitration may be made a Rule of any of the Superior Courts, on the Application of either of the Parties.

Award not void through Error in Form.

XXXVII. No Award made with respect to any Question referred to Arbitration under the Provisions of this or the special Act shall be set aside for Irregularity or Error in Matter of Form.

Promoters of the Undertaking to give Notice before summoning a Jury.

XXXVIII. Before the Promoters of the Undertaking shall issue their Warrant for summoning a Jury for settling any Case of disputed Compensation they shall give not less than Ten Days Notice to the other Party of their Intention to cause such Jury to be summoned, and in such Notice the Promoters of the Undertaking shall state

what Sum of Money they are willing to give for the Interest in such Lands sought to be purchased by them from such Party, and for the Damage to be sustained by him by the Execution of the Works. *Purchase of Lands otherwise than by Agreement.*

XXXIX. In every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Promoters of the Undertaking shall issue their Warrant to the Sheriff, requiring him to summon a Jury for that Purpose, and such Warrant shall be under the Common Seal of the Promoters of the Undertaking if they be a Corporation, or if they be not a Corporation under the Hands and Seals of such Promoters or any Two of them; and if such Sheriff be interested in the Matter in dispute such Application shall be made to some Coroner of the County in which the Lands in question, or some Part thereof, shall be situate, and if all the Coroners of such County be so interested, such Application may be made to some Person having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last mentioned Preference shall be given to one who shall have most recently served either of the said Offices; and every Ex-Sheriff, Coroner, or Ex-Coroner shall have Power, if he think fit, to appoint a Deputy or Assessor. Warrant for summoning Jury to be addressed to the Sheriff.

XL. Throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used, the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff, such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book and Special Jurors List belonging to the County where the Lands in question shall be situate. Provisions applicable to Sheriff to apply to Coroner.

XLI. Upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at a convenient Time and Place to be appointed by him for that Purpose, such Time not being less than Fourteen nor more than Twenty-one Days after the Receipt of such Warrant, and such Place not being more than Eight Miles distant from the Lands in question, unless by Consent of the Parties interested, and he shall forthwith give Notice to the Promoters of the Works of the Time and Place so appointed by him. Jury to be summoned.

XLII. Out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff, in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn, and if a sufficient Number of Jurymen do not appear in obedience to such Summons the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders, Jury to be impannelled.

Purchase of Lands otherwise than by Agreement.

Bystanders, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Sheriff to preside; Witnesses to be summoned.

XLIII. The Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question, and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Penalty on Sheriff and Jury for Default.

XLIV. If the Sheriff make default in any of the Matters hereinbefore required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence, and such Penalty shall be recoverable by the Promoters of the Undertaking by Action in any of the Superior Courts; and if any Person summoned and returned upon any Jury under this or the special Act, whether common or special, do not appear, or if appearing, he refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds, and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and, in addition to the Penalty hereby imposed, every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of an Issue joined in any of the Superior Courts.

Penalty on Witnesses making default.

XLV. If any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit to the Party aggrieved a Sum not exceeding Ten Pounds.

Notice of Inquiry.

XLVI. Not less than Ten Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Promoters of the Undertaking to the other Party.

If the Party make default the Inquiry not to proceed.

XLVII. If the Party claiming Compensation shall not appear at the Time appointed for the Inquiry such Inquiry shall not be further proceeded in, but the Compensation to be paid shall be such as shall be ascertained by a Surveyor appointed by Two Justices in manner herein-after provided.

XLVIII. Before

Jury to be sworn.

XLVIII. Before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage, and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Sums to be paid for Purchase of Lands and for Damage, to be assessed separately.

XLIX. Where such Inquiry shall relate to the Value of Lands to be purchased, and also to Compensation claimed for Injury done or to be done to the Lands held therewith, the Jury shall deliver their Verdict separately for the Sum of Money to be paid for the Purchase of the Lands required for the Works, or of any Interest therein belonging to the Party with whom the Question of disputed Compensation shall have arisen, or which, under the Provisions herein contained, he is enabled to sell or convey, and for the Sum of Money to be paid by way of Compensation for the Damage, if any, to be sustained by the Owner of the Lands by reason of the severing of the Lands taken from the other Lands of such Owner, or otherwise injuriously affecting such Lands by the Exercise of the Powers of this or the special Act, or any Act incorporated therewith.

Verdict and Judgment to be recorded.

L. The Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury, and the Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the General or Quarter Sessions of the County in which the Lands or any Part thereof shall be situate in respect of which such Purchase Money or Compensation shall have been awarded; and such Verdicts and Judgments shall be deemed Records, and the same or true Copies thereof shall be good Evidence in all Courts and elsewhere, and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence, which Copies or Extracts the Clerk of the Peace is hereby required to make out, and to sign and certify the same to be true Copies.

Costs of the Inquiry how to be borne.

LI. On every such Inquiry before a Jury, where the Verdict of the Jury shall be given for a greater Sum than the Sum previously offered by the Promoters of the Undertaking, all the Costs of such Inquiry shall be borne by the Promoters of the Undertaking; but if the Verdict of the Jury be given for the same or a less Sum than the Sum previously offered by the Promoters of the Undertaking, or if the Owner of the Lands shall have failed to appear at the Time and Place appointed for the Inquiry, having received due Notice thereof, one Half of the Costs of summoning, impannelling, and returning the Jury, and of taking the Inquiry and recording the Verdict and Judgment thereon, in case such Verdict shall be taken, shall be defrayed by the Owner of the Lands, and the other Half by the Promoters of the Undertaking, and each Party shall bear his own Costs, other than as aforesaid, incident to such Inquiry.

Particulars of the Costs.

LII. The Costs of any such Inquiry shall, in case of Difference, be settled by One of the Masters of the Court of Queen's Bench of *England* or *Ireland*, according as the Lands are situate, on the Application of either Party, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel and Attornies, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry.

Payment of Costs.

LIII. If any such Costs shall be payable by the Promoters of the Undertaking, and if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, they shall be recoverable by Distress, and on Application to any Justice he shall issue his Warrant accordingly; and if any such Costs shall be payable by the Owner of the Lands or of any Interest therein, the same may be deducted and retained by the Promoters of the Undertaking, out of any Money awarded by the Jury to such Owner, or determined by the Valuation of a Surveyor under the Provision herein-after contained; and the Payment or Deposit of the Remainder, if any, of such Money shall be deemed Payment and Satisfaction of the whole thereof, or if such Costs shall exceed the Amount of the Money so awarded or determined, the Excess shall be recoverable by Distress, and on Application to any Justice he shall issue his Warrant accordingly.

Special Jury to be summoned at the Request of either Party.

LIV. If either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, such Question shall be so tried, provided that Notice of such Desire, if coming from the other Party, be given to the Promoters of the Undertaking before they have issued their Warrant to the Sheriff; and for that Purpose the Promoters of the Undertaking shall by their Warrant to the Sheriff require him to nominate a Special Jury for such Trial; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant, summon both the Parties to appear before him, by themselves or their Attornies, at some convenient Time and Place appointed by him for the Purpose of nominating a Special Jury (not being less than Five nor more than Eight Days from the Service of such Summons); and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury, in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts, and the Sheriff shall appoint a Day, not later than the Eighth Day after striking of such Jury, for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties; and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty, in the Manner used and accustomed by the proper Officers of the Superior Courts.

Deficiency of Special Jurymen.

LV. The Special Jury on such Inquiry shall consist of Twelve of the said Twenty who shall first appear on the Names being called over,

over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons qualified to act as Special or Common Jurymen, who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured, so as to complete such Jury, all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury, and such Trial shall be attended in all respects with the like Incidents and Consequences, and the like Penalties shall be applicable, as herein-before provided in the Case of a Trial by Common Jury.

Purchase of Lands otherwise than by Agreement.

LVI. Any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Other Inquiries before same Special Jury by Consent.

LVII. No Juryman shall, without his Consent, be summoned or required to attend any such Proceeding as aforesaid more than once in any Year.

Jurymen not to attend more than once a Year.

LVIII. The Purchase Money or Compensation to be paid for any Lands to be purchased or taken by the Promoters of the Undertaking from any Party who, by reason of Absence from the Kingdom, is prevented from treating, or who cannot after diligent Inquiry be found, or who shall not appear at the Time appointed for the Inquiry before the Jury as herein-before provided for, after due Notice thereof, and the Compensation to be paid for any permanent Injury to such Lands, shall be such as shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose as herein-after mentioned.

Compensation to absent Parties to be determined by a Surveyor appointed by Two Justices.

LIX. Upon Application by the Promoters of the Undertaking to Two Justices, and upon such Proof as shall be satisfactory to them that any such Party is, by reason of Absence from the Kingdom, prevented from treating, or cannot after diligent Inquiry be found, or that any such Party failed to appear on such Inquiry before a Jury as aforesaid, after due Notice to him for that Purpose, such Justices shall, by Writing under their Hands, nominate an able practical Surveyor for determining such Compensation as aforesaid, and such Surveyor shall determine the same accordingly, and shall annex to his Valuation a Declaration in Writing subscribed by him of the Correctness thereof.

Two Justices to nominate a Surveyor.

LX. Before such Surveyor shall enter upon the Duty of making such Valuation as aforesaid he shall, in the Presence of such Justices, or One of them, make and subscribe the Declaration following at the Foot of such Nomination; (that is to say,)

Declaration to be made by the Surveyor.

'I *A.B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability,

Purchase of Lands otherwise than by Agreement.

'Ability, execute the Duty of making the Valuation hereby referred 'to me. *A.B.*

'Made and subscribed in the Presence of .'

And if any Surveyor shall corruptly make such Declaration, or having made such Declaration shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Valuation, &c. to be produced to the Owner of the Lands on demand.

LXI. The said Nomination and Declaration shall be annexed to the Valuation to be made by such Surveyor, and shall be preserved together therewith by the Promoters of the Undertaking, and they shall at all Times produce the said Valuation and other Documents, on demand, to the Owner of the Lands comprised in such Valuation, and to all other Parties interested therein.

Expences to be borne by Promoters.

LXII. All the Expences of and incident to every such Valuation shall be borne by the Promoters of the Undertaking.

Purchase Money and Compensation, how to be estimated.

LXIII. In estimating the Purchase Money or Compensation to be paid by the Promoters of the Undertaking, in any of the Cases aforesaid, regard shall be had by the Justices, Arbitrators, or Surveyors, as the Case may be, not only to the Value of the Land to be purchased or taken by the Promoters of the Undertaking, but also to the Damage, if any, to be sustained by the Owner of the Lands by reason of the severing of the Lands taken from the other Lands of such Owner, or otherwise injuriously affecting such other Lands by the Exercise of the Powers of this or the special Act, or any Act incorporated therewith.

Where Compensation to absent Party has been determined by a Surveyor, the Party may have the same submitted to Arbitration.

LXIV. When the Compensation payable in respect of any Lands, or any Interest therein, shall have been ascertained by the Valuation of a Surveyor, and deposited in the Bank under the Provisions herein contained, by reason that the Owner of or Party entitled to convey such Lands or such Interest therein as aforesaid could not be found or was absent from the Kingdom, if such Owner or Party shall be dissatisfied with such Valuation it shall be lawful for him, before he shall have applied to the Court of Chancery for Payment or Investment of the Monies so deposited under the Provisions herein contained, by Notice in Writing to the Promoters of the Undertaking, to require the Question of such Compensation to be submitted to Arbitration, and thereupon the same shall be so submitted accordingly, in the same Manner as in other Cases of disputed Compensation herein-before authorized or required to be submitted to Arbitration.

Question to be submitted to the Arbitrators.

LXV. The Question to be submitted to the Arbitrators in the Case last aforesaid shall be, whether the said Sum so deposited as aforesaid by the Promoters of the Undertaking was a sufficient Sum, or whether any and what further Sum ought to be paid or deposited by them.

If further Sum awarded, Pro-

LXVI. If the Arbitrators shall award that a further Sum ought to be paid or deposited by the Promoters of the Undertaking, they shall pay

pay or deposit, as the Case may require, such further Sum within Fourteen Days after the making of such Award, or in default thereof the same may be enforced by Attachment, or recovered with Costs by Action or Suit in any of the Superior Courts. Promoters to pay or deposit same within 14 Days.

LXVII. If the Arbitrators shall determine that the Sum so deposited was sufficient, the Costs of and incident to such Arbitration, to be determined by the Arbitrators, shall be in the Discretion of the Arbitrators, but if the Arbitrators shall determine that a further Sum ought to be paid or deposited by the Promoters of the Undertaking, all the Costs of and incident to the Arbitration shall be borne by the Promoters of the Undertaking. Costs of the Arbitration.

LXVIII. If any Party shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, which shall have been taken for or injuriously affected by the Execution of the Works, and for which the Promoters of the Undertaking shall not have made Satisfaction under the Provisions of this or the special Act, or any Act incorporated therewith, and if the Compensation claimed in such Case shall exceed the Sum of Fifty Pounds, such Party may have the same settled either by Arbitration or by the Verdict of a Jury, as he shall think fit; and if such Party desire to have the same settled by Arbitration, it shall be lawful for him to give notice in Writing to the Promoters of the Undertaking of such his Desire, stating in such Notice the Nature of the Interest in such Lands in respect of which he claims Compensation, and the Amount of the Compensation so claimed therein; and unless the Promoters of the Undertaking be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, the same shall be settled by Arbitration in the Manner herein provided; or if the Party so entitled as aforesaid desire to have such Question of Compensation settled by Jury, it shall be lawful for him to give notice in Writing of such his Desire to the Promoters of the Undertaking, stating such Particulars as aforesaid, and unless the Promoters of the Undertaking be willing to pay the Amount of Compensation so claimed, and enter into a written Agreement for that Purpose, they shall, within Twenty-one Days after the Receipt of such Notice, issue their Warrant to the Sheriff to summon a Jury for settling the same in the Manner herein provided, and in default thereof they shall be liable to pay to the Party so entitled as aforesaid the Amount of Compensation so claimed, and the same may be recovered by him, with Costs, by Action in any of the Superior Courts. To be settled by Arbitration or Jury, at the Option of the Party claiming Compensation.

Application of Compensation.

And with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title, be it enacted as follows:

LXIX. If the Purchase Money or Compensation which shall be payable in respect of any Lands, or any Interest therein, purchased or taken by the Promoters of the Undertaking from any Corporation, Tenant for Life or in Tail, married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Purchase Money payable to Parties under Disability amounting to 200*l.* to

be deposited in the Bank.

Trustee, Executor or Administrator, or Person having a partial or qualified Interest only in such Lands, and not entitled to sell or convey the same except under the Provisions of this or the special Act, or the Compensation to be paid for any permanent Damage to any such Lands, amount to or exceed the Sum of Two hundred Pounds, the same shall be paid into the Bank, in the Name and with the Privity of the Accountant General of the Court of Chancery in *England* if the same relate to Lands in *England* or *Wales*, or the Accountant General of the Court of Exchequer in *Ireland* if the same relate to Lands in *Ireland*, to be placed to the Account there of such Accountant General, *ex parte* the Promoters of the Undertaking (describing them by their proper Name), in the Matter of the special Act (citing it), pursuant to the Method prescribed by any Act for the Time being in force for regulating Monies paid into the said Courts; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Money shall be paid in respect of any Buildings taken under the Authority of this or the special Act, or injured by the Proximity of the Works, in removing or replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In payment to any Party becoming absolutely entitled to such Money.

Order for Application and Investment meanwhile.

LXX. Such Money may be so applied as aforesaid upon an Order of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities, and the Interest, Dividends, and annual Proceeds thereof paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands.

Sums from 20*l.* to 200*l.* to be deposited or paid to Trustees.

LXXI. If such Purchase Money or Compensation shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, the same shall either be paid into the Bank, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same

same shall be payable, such Nomination to be signified by Writing under the Hands of the Party so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Promoters of the Undertaking approve thereof and of the Trustees named for the Purpose; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Application of Compensation.

LXXII. If such Money shall not exceed the Sum of Twenty Pounds, the same shall be paid to the Parties entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit, or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Sums not exceeding 20*l.* to be paid to Parties.

LXXIII. All Sums of Money exceeding Twenty Pounds, which may be payable by the Promoters of the Undertaking in respect of the taking, using, or interfering with any Lands under a Contract or Agreement with any Person who shall not be entitled to dispose of such Lands, or of the Interest therein contracted to be sold by him, absolutely for his own Benefit, shall be paid into the Bank or to Trustees in manner aforesaid; and it shall not be lawful for any contracting Party not entitled as aforesaid to retain to his own Use any Portion of the Sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such Lands, or in lieu of Bridges, Tunnels, or other Accommodation Works, or for assenting to or not opposing the passing of the Bill authorizing the taking of such Lands, but all such Monies shall be deemed to have been contracted to be paid for and on account of the several Parties interested in such Lands, as well in possession as in remainder, reversion, or expectancy: Provided always, that it shall be in the Discretion of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, or the said Trustees, as the Case may be, to allot to any Tenant for Life, or for any other partial or qualified Estate, for his own Use, a Portion of the Sum so paid into the Bank, or to such Trustees as aforesaid, as Compensation for any Injury, Inconvenience, or Annoyance which he may be considered to sustain, independently of the actual Value of the Lands to be taken, and of the Damage occasioned to the Lands held therewith, by reason of the taking of such Lands and the making of the Works.

All Sums payable under Contract with Persons not absolutely entitled, to be paid into Bank.

LXXIV. Where any Purchase Money or Compensation paid into the Bank under the Provisions of this or the special Act shall have been paid in respect of any Lease for a Life or Lives or Years, or for a Life or Lives and Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such

Court of Chancery may direct Application of Money in respect of Leases or

Reversions as they may think just.

such Lease or Estate, it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might lawfully have had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Upon Deposit being made, the Owners of the Lands to convey, or in default the Lands to vest in the Promoters of the Undertaking upon a Deed Poll being executed.

LXXV. Upon Deposit in the Bank in manner herein-before provided of the Purchase Money or Compensation agreed or awarded to be paid in respect of any Lands purchased or taken by the Promoters of the Undertaking under the Provisions of this or the special Act, or any Act incorporated therewith, the Owner of such Lands, including in such Term all Parties by this Act enabled to sell or convey Lands, shall, when required so to do by the Promoters of the Undertaking, duly convey such Lands to the Promoters of the Undertaking, or as they shall direct; and in default thereof, or if he fail to adduce a good Title to such Lands to their Satisfaction, it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Deed Poll under their Common Seal if they be a Corporation, or if they be not a Corporation under the Hands and Seals of the Promoters, or any Two of them, containing a Description of the Lands in respect of which such Default shall be made, and reciting the Purchase or taking thereof by the Promoters of the Undertaking, and the Names of the Parties from whom the same were purchased or taken, and the Deposit made in respect thereof, and declaring the Fact of such Default having been made, and such Deed Poll shall be stamped with the Stamp Duty which would have been payable upon a Conveyance to the Promoters of the Undertaking of the Lands described therein; and thereupon all the Estate and Interest in such Lands of or capable of being sold and conveyed by the Party between whom and the Promoters of the Undertaking such Agreement shall have been come to, or as between whom and the Promoters of the Undertaking such Purchase Money or Compensation shall have been determined by a Jury, or by Arbitrators, or by a Surveyor appointed by Two Justices as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the Promoters of the Undertaking, and as against such Parties, and all Parties on behalf of whom they are herein-before enabled to sell and convey, the Promoters of the Undertaking shall be entitled to immediate Possession of such Lands.

Where Parties refuse to convey, or do not show Title, or cannot be found, the Purchase Money to be deposited.

LXXVI. If the Owner of any such Lands purchased or taken by the Promoters of the Undertaking, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid in respect thereof, refuse to accept the same, or neglect or fail to make out a Title to such Lands, or to the Interest therein claimed by him, to the Satisfaction of the Promoters of the Undertaking, or if he refuse to convey or release such Lands as directed by the Promoters of the Undertaking, or if any such Owner

be absent from the Kingdom, or cannot after diligent Inquiry be found, or fail to appear on the Inquiry before a Jury, as herein provided for, it shall be lawful for the Promoters of the Undertaking to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank, in the Name and with the Privity of the Accountant General of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, to be placed, except in the Cases herein otherwise provided for, to his Account there, to the Credit of the Parties interested in such Lands (describing them so far as the Promoters of the Undertaking can do), subject to the Control and Disposition of the said Court.

Application of Compensation.

LXXVII. Upon any such Deposit of Money as last aforesaid being made the Cashier of the Bank shall give to the Promoters of the Undertaking, or to the Party paying in such Money by their Direction, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Deed Poll under their Common Seal if they be a Corporation, or if they be not a Corporation under the Hands and Seals of the said Promoters, or any Two of them, containing a Description of the Lands in respect whereof such Deposit shall have been made, and declaring the Circumstances under which and the Names of the Parties to whose Credit such Deposit shall have been made, and such Deed Poll shall be stamped with the Stamp Duty which would have been payable upon a Conveyance to the Promoters of the Undertaking of the Lands described therein; and thereupon all the Estate and Interest in such Lands of the Parties for whose Use and in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Promoters of the Undertaking, and as against such Parties they shall be entitled to immediate Possession of such Lands.

Upon Deposit being made a Receipt to be given, and the Lands to vest upon a Deed Poll being executed.

LXXVIII. Upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands in respect whereof the same shall have been so deposited, or any Part of such Lands, or any Interest in the same, the said Court of Chancery in *England* or the Court of Exchequer in *Ireland* may, in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Application of Monies so deposited.

LXXIX. If any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession of such Lands, as being the Owners thereof, or in receipt of the Rents of such Lands, as being entitled thereto at the Time of such Lands being purchased or taken, shall be deemed to have been lawfully entitled to such

Party in possession to be deemed the Owner.

Application of Compensation.

Lands, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid, the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

LXXX. In all Cases of Monies deposited in the Bank under the Provisions of this or the special Act, or an Act incorporated therewith, except where such Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, or by reason of the wilful Neglect of any Party to make out a good Title to the Land required, it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland* to order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Promoters of the Undertaking; (that is to say,) the Costs of the Purchase or taking of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Securities whereon the same shall be invested, and of all Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants: Provided always, that the Costs of One Application only for Reinvestment in Land shall be allowed, unless it shall appear to the Court of Chancery in *England* or the Court of Exchequer in *Ireland* that it is for the Benefit of the Parties interested in the said Monies that the same should be invested in the Purchase of Lands, in different Sums and at different Times, in which Case it shall be lawful for the Court, if it think fit, to order the Costs of any such Investments to be paid by the Promoters of the Undertaking.

Conveyances.

And with respect to the Conveyances of Lands, be it enacted as follows:

Form of Conveyances.

LXXXI. Conveyances of Lands to be purchased under the Provisions of this or the special Act, or any Act incorporated therewith, may be according to the Forms in the Schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit, or by Deed in any other Form which the Promoters of the Undertaking may think fit; and all Conveyances made according to the Forms in the said Schedules or as near thereto as the Circumstances of the Case will admit shall be effectual to vest the Lands thereby conveyed in the Promoters of the Undertaking, and shall operate to merge all Terms of Years attendant by express Declaration, or by Construction of Law, on the Estate or

Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the Lands comprised in such Conveyances which shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on foot, and assigned to a Trustee for the Promoters of the Undertaking to attend the Reversion and Inheritance. *Conveyances.*

LXXXII. The Costs of all such Conveyances shall be borne by the Promoters of the Undertaking, and such Costs shall include all Charges and Expences incurred, on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Promoters of the Undertaking may require, and all other reasonable Expences incident to the Investigation, Deduction, and Verification of such Title. Costs of Conveyances.

LXXXIII. If the Promoters of the Undertaking and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be taxed by one of the Taxing Masters of the Court of Chancery, or by a Master in Chancery in *Ireland*, upon an Order of the same Court, to be obtained upon Petition in a summary Way by either of the Parties; and the Promoters of the Undertaking shall pay what the said Master shall certify to be due in respect of such Costs to the Party entitled thereto, or in default thereof the same may be recovered in the same Way as any other Costs payable under an Order of the said Court, or the same may be recovered by Distress in the Manner herein-before provided in other Cases of Costs; and the Expence of taxing such Costs shall be borne by the Promoters of the Undertaking, unless upon such Taxation One Sixth Part of the Amount of such Costs shall be disallowed, in which Case the Costs of such Taxation shall be borne by the Party whose Costs shall be so taxed, and the Amount thereof shall be ascertained by the said Master, and deducted by him accordingly in his Certificate of such Taxation. Taxation of Costs of Conveyances.

And with respect to the Entry upon Lands by the Promoters of the Undertaking, be it enacted as follows: *Entry on Lands.*

LXXXIV. The Promoters of the Undertaking shall not, except by Consent of the Owners and Occupiers, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes and under the Powers of this or the special Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank, in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands, and of probing or boring to ascertain the Nature of the Soil, and Payment of Price to be made previous to Entry, except to survey, &c.

Entry on Lands.

and of setting out the Line of the Works, it shall be lawful for the Promoters of the Undertaking, after giving not less than Three nor more than Fourteen Days Notice to the Owners or Occupiers thereof, to enter upon such Lands without previous Consent, making Compensation for any Damage thereby occasioned to the Owners or Occupiers thereof.

Promoters to be allowed to enter on Lands before Purchase, on making Deposit by way of Security and giving Bond.

LXXXV. Provided also, that if the Promoters of the Undertaking shall be desirous of entering upon and using any such Lands before an Agreement shall have been come to or an Award made, or Verdict given for the Purchase Money or Compensation to be paid by them in respect of such Lands, it shall be lawful for the Promoters of the Undertaking to deposit in the Bank by way of Security, as hereinafter mentioned, either the Amount of Purchase Money or Compensation claimed by any Party interested in or entitled to sell and convey such Lands, and who shall not consent to such Entry, or such a Sum as shall, by a Surveyor appointed by Two Justices in the Manner herein-before provided in the Case of Parties who cannot be found, be determined to be the Value of such Lands, or of the Interest therein which such Party is entitled to or enabled to sell and convey, and also to give to such Party a Bond, under the Common Seal of the Promoters if they be a Corporation, or if they be not a Corporation under the Hands and Seals of the said Promoters, or any Two of them, with Two sufficient Sureties to be approved of by Two Justices in case the Parties differ, in a penal Sum equal to the Sum so to be deposited, conditioned for Payment to such Party, or for Deposit in the Bank for the Benefit of the Parties interested in such Lands, as the Case may require, under the Provisions herein contained, of all such Purchase Money or Compensation, as may in manner herein-before provided be determined to be payable by the Promoters of the Undertaking in respect of the Lands so entered upon, together with Interest thereon, at the Rate of Five Pounds *per Centum per Annum*, from the Time of entering on such Lands, until such Purchase Money or Compensation shall be paid to such Party, or deposited in the Bank for the Benefit of the Parties interested in such Lands, under the Provisions herein contained; and upon such Deposit by way of Security being made as aforesaid, and such Bond being delivered or tendered to such non-consenting Party as aforesaid, it shall be lawful for the Promoters of the Undertaking to enter upon and use such Lands, without having first paid or deposited the Purchase Money or Compensation in other Cases required to be paid or deposited by them before entering upon any Lands to be taken by them under the Provisions of this or the special Act.

Upon Deposit being made Cashier to give Receipt.

LXXXVI. The Money so to be deposited as last aforesaid shall be paid into the Bank in the Name and with the Privity of the Accountant General of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, to be placed to his Account there to the Credit of the Parties interested in or entitled to sell and convey the Lands so to be entered upon, and who shall not have consented to such Entry, subject to the Control and Disposition of the said Court; and upon such Deposit being made, the Cashier of the Bank shall give to the Promoters of the Undertaking, or to the Party paying in such

such Money by their Direction, a Receipt for such Money, specifying therein for what Purpose and to whose Credit the same shall have been paid in. *Entry on Lands.*

LXXXVII. The Money so deposited as last aforesaid shall remain in the Bank, by way of Security to the Parties whose Lands shall so have been entered upon for the Performance of the Condition of the Bond to be given by the Promoters of the Undertaking, as hereinbefore mentioned, and the same may, on the Application by Petition of the Promoters of the Undertaking, be ordered to be invested in Bank Annuities or Government Securities, and accumulated; and upon the Condition of such Bond being fully performed it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, upon a like Application, to order the Money so deposited, or the Funds in which the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Promoters of the Undertaking, or if such Condition shall not be fully performed, it shall be lawful for the said Court to order the same to be applied in such Manner as it shall think fit for the Benefit of the Parties for whose Security the same shall so have been deposited. Deposit to remain as a Security, and to be applied under the Direction of the Court.

LXXXVIII. If at any Time the Company be unable, by reason of the closing of the Office of the Accountant General of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, to obtain his Authority in respect of the Payment of any Sum of Money so authorized to be deposited in the Bank by way of Security as aforesaid, it shall be lawful for the Company to pay into the Bank to the Credit of such Party or Matter as the Case may require (subject nevertheless to being dealt with as herein-after provided, and not otherwise), such Sum of Money as the Promoters of the Undertaking shall, by some Writing signed by their Secretary or Solicitors for the Time being, addressed to the Governor and Company of the Bank in that Behalf, request, and upon any such Payment being made the Cashier of the Bank shall give a Certificate thereof; and in every such Case, within Ten Days after the re-opening of the said Accountant General's Office, the Solicitor for the Promoters of the Undertaking shall there bespeak the Direction for the Payment of such Sum into the Name of the Accountant General, and upon Production of such Direction at the Bank of *England* the Money so previously paid in shall be placed to the Credit of the said Accountant General accordingly, and the Receipt for the said Payment be given to the Party making the same in the usual Way for the Purpose of being filed at the Report Office. The Company may pay the Deposit Money into the Bank by way of Security during the Time that the Office of the Accountant General is closed.

LXXXIX. If the Promoters of the Undertaking or any of their Contractors shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of the special Act, without such Consent as aforesaid, or without having made such Payment for the Benefit of the Parties interested in the Lands, or such Deposit by way of Security as aforesaid, the Promoters of the Undertaking shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds, Penalty on the Promoters of the Undertaking entering upon Lands without Consent before Payment of the Purchase Money.

Entry on Lands.

Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking Possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Promoters of the Undertaking or their Contractors shall, after Conviction in such Penalty as aforesaid, continue in unlawful Possession of any such Lands, the Promoters of the Undertaking shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with Costs, by Action in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Promoters of the Undertaking to the Payment of any such Penalties as aforesaid, if they shall *bonâ fide* and without Collusion have paid the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Promoters of the Undertaking may have reasonably believed to be entitled thereto, or shall have deposited the same in the Bank for the Benefit of the Parties interested in the Lands, or made such Deposit by way of Security in respect thereof as herein-before mentioned, although such Person may not have been legally entitled thereto.

Decision of Justices not conclusive as to the Right of the Promoters.

XC. On the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Promoters of the Undertaking.

Proceedings in case of Refusal to deliver Possession of Lands.

XCI. If in any Case in which, according to the Provisions of this or the special Act, or any Act incorporated therewith, the Promoters of the Undertaking are authorized to enter upon and take possession of any Lands required for the Purposes of the Undertaking, the Owner or Occupier of any such Lands or any other Person refuse to give up the Possession thereof, or hinder the Promoters of the Undertaking from entering upon or taking possession of the same, it shall be lawful for the Promoters of the Undertaking to issue their Warrant to the Sheriff to deliver Possession of the same to the Person appointed in such Warrant to receive the same, and upon the Receipt of such Warrant the Sheriff shall deliver Possession of any such Lands accordingly, and the Costs accruing by reason of the issuing and Execution of such Warrant, to be settled by the Sheriff, shall be paid by the Person refusing to give Possession, and the Amount of such Costs shall be deducted and retained by the Promoters of the Undertaking from the Compensation, if any, then payable by them to such Party, or if no such Compensation be payable to such Party, or if the same be less than the Amount of such Costs, then such Costs, or the Excess thereof beyond such Compensation, if not paid on demand, shall be levied by Distress, and upon Application to any Justice for that Purpose he shall issue his Warrant accordingly.

Parties not to be required to sell Part of a House.

XCII. And be it enacted, That no Party shall at any Time be required to sell or convey to the Promoters of the Undertaking a Part only of any House or other Building or Manufactory, if

if such Party be willing and able to sell and convey the whole thereof.

Intersected Lands.

And with respect to small Portions of intersected Land, be it enacted as follows:

Owners of intersected Lands may insist on Sale.

XCIII. If any Lands not being situate in a Town or built upon shall be so cut through and divided by the Works as to leave, either on both Sides or on one Side thereof, a less Quantity of Land than Half a Statute Acre, and if the Owner of such small Parcel of Land require the Promoters of the Undertaking to purchase the same along with the other Land required for the Purposes of the special Act, the Promoters of the Undertaking shall purchase the same accordingly, unless the Owner thereof have other Land adjoining to that so left into which the same can be thrown, so as to be conveniently occupied therewith; and if such Owner have any other Land so adjoining, the Promoters of the Undertaking shall, if so required by the Owner, at their own Expence, throw the Piece of Land so left into such adjoining Land, by removing the Fences and levelling the Sites thereof, and by soiling the same in a sufficient and workmanlike Manner.

Promoters of the Undertaking may insist on Purchase where Expence of Bridges, &c. exceeds the Value.

XCIV. If any such Land shall be so cut through and divided as to leave on either Side of the Works a Piece of Land of less Extent than Half a Statute Acre, or of less Value than the Expence of making a Bridge, Culvert, or such other Communication between the Land so divided as the Promoters of the Undertaking are, under the Provisions of this or the special Act, or any Act incorporated therewith, compellable to make, and if the Owner of such Lands have not other Lands adjoining such Piece of Land, and require the Promoters of the Undertaking to make such Communication, then the Promoters of the Undertaking may require such Owner to sell to them such Piece of Land, and any Dispute as to the Value of such Piece of Land, or as to what would be the Expence of making such Communication, shall be ascertained as herein provided for Cases of disputed Compensation; and on the Occasion of ascertaining the Value of the Land required to be taken for the Purposes of the Works, the Jury or the Arbitrators, as the Case may be, shall, if required by either Party, ascertain by their Verdict or Award the Value of any such severed Piece of Land, and also what would be the Expence of making such Communication.

Copyholds.

And with respect to Copyhold Lands, be it enacted as follows:

Conveyance of Copyhold Lands to be enrolled.

XCV. Every Conveyance to the Promoters of the Undertaking, of any Lands which shall be of Copyhold or Customary Tenure, or of the Nature thereof, shall be entered on the Rolls of the Manor of which the same shall be held or parcel; and on Payment to the Steward of such Manor of such Fees as would be due to him on the Surrender of the same Lands to the Use of a Purchaser thereof he shall make such Enrolment; and every such Conveyance, when so enrolled, shall have the like Effect, in respect of such Copyhold or Customary Lands, as if the same had been of Freehold Tenure, nevertheless, until such Lands shall have been enfranchised by virtue of the Powers herein-after contained, they shall continue subject to the same

Copyholds.

same Fines, Rents, Heriots, and Services as were theretofore payable and of Right accustomed.

Copyhold Lands to be enfranchised.

XCVI. Within Three Months after the Enrolment of the Conveyance of any such Copyhold or Customary Lands, or within One Month after the Promoters of the Undertaking shall enter upon and make use of the same for the Purposes of the Works, whichever shall first happen, or if more than One Parcel of such Lands holden of the same Manor shall have been taken by them, then within One Month after the last of such Parcels shall have been so taken or entered on by them, the Promoters of the Undertaking shall procure the whole of the Lands holden of such Manor so taken by them to be enfranchised, and for that Purpose shall apply to the Lord of the Manor whereof such Lands are holden to enfranchise the same, and shall pay to him such Compensation in respect thereof as shall be agreed upon between them and him, and if the Parties fail to agree respecting the Amount of the Compensation to be paid for such Enfranchisement the same shall be determined as in other Cases of disputed Compensation; and in estimating such Compensation the Loss in respect of the Fines, Heriots, and other Services payable on Death, Descent, or Alienation, or any other Matters which would be lost by the vesting of such Copyhold or Customary Lands in the Promoters of the Undertaking, or by the Enfranchisement of the same, shall be allowed for.

Lord of the Manor to enfranchise on Payment of Compensation.

XCVII. Upon Payment or Tender of the Compensation so agreed upon or determined, or on Deposit thereof in the Bank in any of the Cases herein-before in that Behalf provided, the Lord of the Manor whereof such Copyhold or Customary Lands shall be holden shall enfranchise such Lands, and the Lands so enfranchised shall for ever thereafter be held in Free and Common Soccage; and in default of such Enfranchisement by the Lord of the Manor, or if he fail to adduce a good Title thereto to the Satisfaction of the Promoters of the Undertaking, it shall be lawful for them, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them, and thereupon the Lands in respect of the Enfranchisement whereof such Compensation shall have been deposited as aforesaid shall be deemed to be enfranchised, and shall be for ever thereafter held in Free and Common Soccage.

Apportionment of Copyhold Rents.

XCVIII. If any such Copyhold or Customary Lands be subject to any customary or other Rent, and Part only of the Land subject to any such Rent be required to be taken for the Purposes of the special Act, the Apportionment of such Rent may be settled by Agreement between the Owner of the Lands and the Lord of the Manor on the one Part, and the Promoters of the Undertaking on the other Part, and if such Apportionment be not so settled by Agreement, then the same shall be settled by Two Justices; and the Enfranchisement of any Copyhold or Customary Lands taken by virtue of this or the special Act, or the Apportionment of such Rents, shall not affect in other respects any Custom by or under which any such Copyhold or Customary Lands not taken for such

Copyholds.

Purposes shall be held; and if any of the Lands so required be released from any Portion of the Rents to which they were subject jointly with any other Lands, such last-mentioned Lands shall be charged with the Remainder only of such Rents; and with reference to any such apportioned Rents, the Lord of the Manor shall have all the same Rights and Remedies over the Lands to which such apportioned Rent shall have been assigned or attributed as he had previously over the whole of the Lands subject to such Rents for the whole of such Rents.

Common Lands.

And with respect to any such Lands being Common or Waste Lands, be it enacted as follows:

Compensation for Common Lands, where held of a Manor, &c. how to be paid.

XCIX. The Compensation in respect of the Right in the Soil of any Lands subject to any Rights of Common shall be paid to the Lord of the Manor, in case he shall be entitled to the same, or to such Party, other than the Commoners, as shall be entitled to such Right in the Soil; and the Compensation in respect of all other commonable and other Rights in or over such Lands, including therein any commonable or other Rights to which the Lord of the Manor may be entitled, other than his Right in the Soil of such Lands, shall be determined and paid and applied in manner herein-after provided with respect to Common Lands the Right in the Soil of which shall belong to the Commoners; and upon Payment or Deposit in the Bank of the Compensation so determined all such commonable and other Rights shall cease and be extinguished.

Lord of the Manor, &c. to convey to the Promoters of the Undertaking, on receiving Compensation for his Interest.

C. Upon Payment or Tender to the Lord of the Manor, or such other Party as aforesaid, of the Compensation which shall have been agreed upon or determined in respect of the Right in the Soil of any such Lands, or on Deposit thereof in the Bank in any of the Cases herein-before in that Behalf provided, such Lord of the Manor, or such other Party as aforesaid, shall convey such Lands to the Promoters of the Undertaking, and such Conveyance shall have the Effect of vesting such Lands in the Promoters of the Undertaking, in like Manner as if such Lord of the Manor, or such other Party as aforesaid, had been seised in Fee Simple of such Lands at the Time of executing such Conveyance; and in default of such Conveyance it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them, and thereupon the Lands in respect whereof such last-mentioned Compensation shall have been deposited as aforesaid shall vest absolutely in the Promoters of the Undertaking, and they shall be entitled to immediate Possession thereof, subject nevertheless to the commonable and other Rights theretofore affecting the same, until such Rights shall have been extinguished by Payment or Deposit of the Compensation for the same in manner herein-after provided.

Compensation for Common Lands where not held of

CI. The Compensation to be paid with respect to any such Lands, being Common Lands, or in the Nature thereof, the Right to the Soil of which shall belong to the Commoners, as well as the Compen-

a Manor how to be ascertained.

Compensation to be paid for the commonable and other Rights in or over Common Lands the Right in the Soil whereof shall not belong to the Commoners, other than the Compensation to the Lord of the Manor, or other Party entitled to the Soil thereof, in respect of his Right in the Soil thereof, shall be determined by Agreement between the Promoters of the Undertaking and a Committee of the Parties entitled to commonable or other Rights in such Lands, to be appointed as next herein-after mentioned.

A Meeting of the Parties interested to be convened.

CII. It shall be lawful for the Promoters of the Undertaking to convene a Meeting of the Parties entitled to commonable or other Rights over or in such Lands to be held at some convenient Place in the Neighbourhood of the Lands, for the Purpose of their appointing a Committee to treat with the Promoters of the Undertaking for the Compensation to be paid for the Extinction of such commonable or other Rights; and every such Meeting shall be called by public Advertisement, to be inserted once at least in Two consecutive Weeks in some Newspaper circulating in the County or in the respective Counties and in the Neighbourhood in which such Lands shall be situate, the last of such Insertions being not more than Fourteen nor less than Seven Days prior to any such Meeting; and Notice of such Meeting shall also, not less than Seven Days previous to the holding thereof, be affixed upon the Door of the Parish Church where such Meeting is intended to be held, or if there be no such Church some other Place in the Neighbourhood to which Notices are usually affixed; and if such Lands be parcel or holden of a Manor, a like Notice shall be given to the Lord of such Manor.

Meeting to appoint a Committee.

CIII. It shall be lawful for the Meeting so called to appoint a Committee, not exceeding Five in Number, of the Parties entitled to any such Rights; and at such Meeting the Decision of the Majority of the Persons entitled to Commonable Rights present shall bind the Minority and all absent Parties.

Committee to agree with the Promoters of the Undertaking.

CIV. It shall be lawful for the Committee so chosen to enter into an Agreement with the Promoters of the Undertaking for the Compensation to be paid for the Extinction of such commonable and other Rights, and all Matters relating thereto, for and on behalf of themselves and all other Parties interested therein; and all such Parties shall be bound by such Agreement; and it shall be lawful for such Committee to receive the Compensation so agreed to be paid, and the Receipt of such Committee, or of any Three of them, for such Compensation, shall be an effectual Discharge for the same; and such Compensation, when received, shall be apportioned by the Committee among the several Persons interested therein, according to their respective Interests, but the Promoters of the Undertaking shall not be bound to see to the Apportionment or to the Application of such Compensation, nor shall they be liable for the Misapplication or Nonapplication thereof.

Disputes to be settled as in other Cases.

CV. If upon such Committee being appointed they shall fail to agree with the Promoters of the Undertaking as to the Amount of

the Compensation to be paid as aforesaid, the same shall be determined as in other Cases of disputed Compensation. *Common Lands.*

CVI. If, upon being duly convened by the Promoters of the Undertaking, no effectual Meeting of the Parties entitled to such commonable or other Rights shall take place, or if, taking place, such Meeting fail to appoint such Committee, the Amount of such Compensation shall be determined by a Surveyor, to be appointed by Two Justices, as herein-before provided in the Case of Parties who cannot be found. If no Committee be appointed, the Amount to be determined by a Surveyor.

CVII. Upon Payment or Tender to such Committee, or any Three of them, or if there shall be no such Committee then upon Deposit in the Bank in the Manner provided in the like Case of the Compensation which shall have been agreed upon or determined in respect of such commonable or other Rights, it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them, and thereupon the Lands in respect of which such Compensation shall have been so paid or deposited shall vest in the Promoters of the Undertaking, freed and discharged from all such commonable or other Rights, and they shall be entitled to immediate Possession thereof; and it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, by an Order to be made upon Petition, to order Payment of the Money so deposited to a Committee to be appointed as aforesaid, or to make such other Order in respect thereto, for the Benefit of the Parties interested, as it shall think fit. Upon Payment of Compensation payable to Commoners the Lands to vest.

And with respect to Lands subject to Mortgage, be it enacted as follows: *Lands in Mortgage.*

CVIII. It shall be lawful for the Promoters of the Undertaking to purchase or redeem the Interest of the Mortgagee of any such Lands which may be required for the Purposes of the special Act, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right or in trust for any other Party, and whether he be in possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of the special Act, and in order thereto the Promoters of the Undertaking may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges, if any, and also Six Months additional Interest, and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Promoters of the Undertaking, or as they shall direct, or the Promoters of the Undertaking may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, Power to redeem Mortgages.

Lands in Mortgage.

same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Promoters of the Undertaking to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences, if any, such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Promoters of the Undertaking, or as they shall direct.

Deposit of Mortgage Money on Refusal to accept.

CIX. If, in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage as directed by the Promoters of the Undertaking, or if he fail to adduce a good Title thereto to their Satisfaction, then it shall be lawful for the Promoters of the Undertaking to deposit in the Bank, in the Manner provided by this Act in like Cases, the Principal and Interest, together with the Costs, if any, due on such Mortgage, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due; and it shall be lawful for them, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them; and thereupon, as well as upon such Conveyance by the Mortgagee, if any such be made, all the Estate and Interest of such Mortgagee, and of all Persons in trust for him, or for whom he may be a Trustee, in such Lands, shall vest in the Promoters of the Undertaking, and they shall be entitled to immediate Possession thereof in case such Mortgagee were himself entitled to such Possession.

Sum to be paid when Mortgage exceeds the Value of the Lands.

CX. If any such mortgaged Lands shall be of less Value than the Principal, Interest, and Costs secured thereon, the Value of such Lands, or the Compensation to be made by the Promoters of the Undertaking in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof on the one Part, and the Promoters of the Undertaking on the other Part, and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Promoters of the Undertaking to the Mortgagee in satisfaction of his Mortgage Debt so far as the same will extend, and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Promoters of the Undertaking, or as they shall direct.

Deposit of Money when refused on Tender.

CXI. If, upon such Payment or Tender as aforesaid being made, any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a good Title thereto to the Satisfaction of the Promoters of the Undertaking, it shall be lawful for them to deposit the Amount of such Value or Compensation in the Bank, in the Manner provided by this Act in like Cases, and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon; and it shall be lawful

lawful for the Promoters of the Undertaking, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in trust for him, shall become absolutely vested in the Promoters of the Undertaking, and they shall be entitled to immediate Possession thereof in case such Mortgagee were himself entitled to such Possession; nevertheless, all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant or other Obligation, other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit. *Lands in Mortgage.*

CXII. If a Part only of any such mortgaged Lands be required for the Purposes of the special Act, and if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and the Promoters of the Undertaking on the other, and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Promoters of the Undertaking to such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend; and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid; and a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Promoters of the Undertaking, at their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed. Sum to be paid where Part only of mortgaged Lands taken.

CXIII. If, upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined, such Mortgagee shall fail to convey or release to the Promoters of the Undertaking, or as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the Promoters of the Undertaking, it shall be lawful for the Promoters of the Undertaking to pay the Amount of such Value or Compensation into the Bank, in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank, and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Deposit of Money when refused on Tender.

Lands in Mortgage.

Money due thereon; and it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them; and thereupon such Lands shall become absolutely vested in the Promoters of the Undertaking, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in trust for him, and in case such Mortgagee were himself entitled to such Possession they shall be entitled to immediate Possession thereof; nevertheless, every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof (as the Case may be), and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of the special Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.

Compensation to be made in certain Cases if Mortgage paid off before the stipulated Time.

CXIV. Provided always, That in any of the Cases herein-before provided with respect to Lands subject to Mortgage, if in the Mortgage Deed a Time shall have been limited for Payment of the Principal Money thereby secured, and under the Provisions herein-before contained the Mortgagee shall have been required to accept Payment of his Mortgage Money, or of Part thereof, at a Time earlier than the Time so limited, the Promoters of the Undertaking shall pay to such Mortgagee, in addition to the Sum which shall have been so paid off, all such Costs and Expences as shall be incurred by such Mortgagee in respect of or which shall be incidental to the Re-investment of the Sum so paid off, such Costs in case of Difference to be taxed and Payment thereof enforced in the Manner herein provided with respect to the Costs of Conveyances; and if the Rate of Interest secured by such Mortgage be higher than at the Time of the same being so paid off can reasonably be expected to be obtained on re-investing the same, regard being had to the then current Rate of Interest, such Mortgagee shall be entitled to receive from the Promoters of the Undertaking, in addition to the Principal and Interest herein-before provided for, Compensation in respect of the Loss to be sustained by him by reason of his Mortgage Money being so prematurely paid off, the Amount of such Compensation to be ascertained, in case of Difference, as in other Cases of disputed Compensation; and until Payment or Tender of such Compensation as aforesaid the Promoters of the Undertaking shall not be entitled, as against such Mortgagee, to Possession of the mortgaged Lands under the Provision herein-before contained.

Rent-charges.

And with respect to Lands charged with any Rent Service, Rent-charge, or chief or other Rent, or other Payment or Incumbrance not herein-before provided for, be it enacted as follows:

Release of Lands from Rent-charges.

CXV. If any Difference shall arise between the Promoters of the Undertaking and the Party entitled to any such Charge upon any Lands required to be taken for the Purposes of the special Act, respecting the Consideration to be paid for the Release of such Lands therefrom, or from the Portion thereof affecting the Lands required for

the Purposes of the special Act, the same shall be determined as in other Cases of disputed Compensation. *Rent-charges.*

Release of Part of Lands from Charge.

CXVI. If Part only of the Lands charged with any such Rent Service, Rent-charge, chief or other Rent, Payment, or Incumbrance, be required to be taken for the Purposes of the special Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands on the one Part, and the Promoters of the Undertaking on the other Part, and if such Apportionment be not so settled by Agreement the same shall be settled by Two Justices; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Lands so jointly subject, it shall be lawful for the Party entitled to such Charge to release therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof.

Deposit in case of Refusal to release.

CXVII. Upon Payment or Tender of the Compensation so agreed upon or determined to the Party entitled to any such Charge as aforesaid, such Party shall execute to the Promoters of the Undertaking a Release of such Charge; and if he fail so to do, or if he fail to adduce good Title to such Charge, to the Satisfaction of the Promoters of the Undertaking, it shall be lawful for them to deposit the Amount of such Compensation in the Bank in the Manner herein-before provided in like Cases, and also, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them, and thereupon the Rent Service, Rent-charge, chief or other Rent, Payment or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on Lands not taken.

CXVIII. If any such Lands be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, as the Case may be, and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands, for the whole or for the Remainder of the Charge, as the Case may be, as he had previously over the whole of the Lands subject to such Charge; and if upon any such Charge or Portion of Charge being so released the Deed or Instrument creating or transferring such Charge be tendered to the Promoters of the Undertaking for the Purpose, they or Two of them shall subscribe, or if they be a Corporation shall affix their Common Seal to a Memorandum of such Release endorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of the special Act, and if the Lands be released from Part of such Charge, what Proportion of such Charge shall have been released, and how much thereof continues payable, or if the Lands so required shall have been released from the whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Memorandum

Rent-charges. Memorandum shall be made and executed at the Expence of the Promoters of the Undertaking, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

Leases. And with respect to Lands subject to Leases, be it enacted as follows:

Where Part only of Lands under Lease taken, the Rent to be apportioned.

CXIX. If any Lands shall be comprised in a Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of the special Act, the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands; and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the Promoters of the Undertaking on the other Part, and if such Apportionment be not so settled by Agreement between the Parties, such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of the special Act; and as to the Lands not so required, and as against the Lessee, the Lessor shall have all the same Rights and Remedies for the Recovery of such Portion of Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of the special Act, in the same Manner as they would have done in case such Part only of the Land had been included in the Lease.

Tenants to be compensated.

CXX. Every such Lessee as last aforesaid shall be entitled to receive from the Promoters of the Undertaking Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of the Works.

Compensation to be made to Tenants at Will, &c.

CXXI. If any such Lands shall be in the Possession of any Person having no greater Interest therein than as Tenant for a Year or from Year to Year, and if such Person be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, and for any just Allowance which ought to be made to him by an in-coming Tenant, and for any Loss or Injury he may sustain, or if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by severing the Lands held by him, or otherwise injuriously affecting the same; and the Amount of such Compensation shall be determined by Two Justices, in case the Parties differ about the same; and upon Payment or Tender of the Amount of such Compensation all such Persons shall respectively deliver up to the Promoters of the Undertaking, or to the Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of the special Act.

CXXII. If

Where greater Interest claimed than from Year to Year, Lease to be produced.

CXXII. If any Party, having a greater Interest than as Tenant at Will, claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands, the Promoters of the Undertaking may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power; and if, after Demand made in Writing by the Promoters of the Undertaking, such Lease or Grant, or such best Evidence thereof, be not produced within Twenty-one Days, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Limit of Time for compulsory Purchase.

CXXIII. And be it enacted, That the Powers of the Promoters of the Undertaking for the compulsory Purchase or taking of Lands for the Purposes of the special Act shall not be exercised after the Expiration of the prescribed Period, and if no Period be prescribed not after the Expiration of Three Years from the passing of the special Act.

Interests omitted to be purchased.

And with respect to Interests in Lands which have by Mistake been omitted to be purchased, be it enacted as follows:

Promoters of the Undertaking empowered to purchase Interests in Lands the Purchase whereof may have been omitted by Mistake.

CXXIV. If, at any Time after the Promoters of the Undertaking shall have entered upon any Lands which under the Provisions of this or the special Act, or any Act incorporated therewith, they were authorized to purchase, and which shall be permanently required for the Purposes of the special Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which the Promoters of the Undertaking shall through Mistake or Inadvertence have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period allowed for the Purchase of Lands shall have expired or not, the Promoters of the Undertaking shall remain in the undisturbed Possession of such Lands, provided, within Six Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Promoters of the Undertaking, or in case the same shall be disputed then within Six Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Promoters of the Undertaking shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the mesne Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Promoters of the Undertaking thereon and the Time of the Payment of such Purchase Money or Compensation by the Promoters of the Undertaking, so far as such mesne Profits or Interest may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Promoters of the Undertaking had purchased such Estate, Right, Interest, or Charge before their entering upon such Land, or as near thereto as Circumstances will admit.

How Value of such Lands to be estimated.

CXXV. In estimating the Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any mesne Profits thereof, the Jury, or Arbitrators, or Justices, as the Case may be, shall assess the same according to what they shall find to have been the Value of such Lands, Estate or Interest, and Profits, at the Time such Lands were entered upon by the Promoters of the Undertaking, and without regard to any Improvements or Works made in the said Lands by the Promoters of the Undertaking, and as though the Works had not been constructed.

Promoters of the Undertaking to pay the Costs of Litigation as to such Lands.

CXXVI. In addition to the said Purchase Money, Compensation, or Satisfaction, and before the Promoters of the Undertaking shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall have been disputed by the Company, and determined in favour of the Party claiming the same, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Determination or Recovery of the same to the Parties with whom any such Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Sale of superfluous Land.

And with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof, be it enacted as follows:

Lands not wanted to be sold, or in default to vest in Owners of adjoining Lands.

CXXVII. Within the prescribed Period, or if no Period be prescribed within Ten Years after the Expiration of the Time limited by the special Act for the Completion of the Works, the Promoters of the Undertaking shall absolutely sell and dispose of all such superfluous Lands, and apply the Purchase Money arising from such Sales to the Purposes of the special Act; and in default thereof all such superfluous Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands to be offered to Owner of Lands from which they were originally taken, or to adjoining Owners.

CXXVIII. Before the Promoters of the Undertaking dispose of any such superfluous Lands they shall, unless such Lands be situate within a Town, or be Lands built upon or used for Building Purposes, first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot after diligent Inquiry be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession, one after another, in such Order as the Promoters of the Undertaking shall think fit.

CXXIX. If

Right of Pre-emption to be claimed within Six Weeks.

CXXIX. If any such Persons be desirous of purchasing such Lands, then within Six Weeks after such Offer of Sale they shall signify their Desire in that Behalf to the Promoters of the Undertaking, or if they decline such Offer, or if for Six Weeks they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and a Declaration in Writing made before a Justice by some Person not interested in the Matter in question, stating that such Offer was made and was refused, or not accepted within Six Weeks from the Time of making the same, or that the Person or all the Persons entitled to the Right of Pre emption were out of the Country, or could not after diligent Inquiry be found, or were not capable of entering into a Contract for the Purchase of such Lands, shall in all Courts be sufficient Evidence of the Facts therein stated.

Differences as to Price to be settled by Arbitration.

CXXX. If any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Promoters of the Undertaking do not agree as to the Price thereof, then such Price shall be ascertained by Arbitration, and the Costs of such Arbitration shall be in the Discretion of the Arbitrators.

Lands to be conveyed to the Purchasers.

CXXXI. Upon Payment or Tender to the Promoters of the Undertaking of the Purchase Money so agreed upon or determined as aforesaid they shall convey such Lands to the Purchasers thereof by Deed under the Common Seal of the Promoters of the Undertaking, if they be a Corporation, or if not a Corporation under the Hands and Seals of the Promoters of the Undertaking or any Two of the Directors or Managers thereof acting by the Authority of the Body; and a Deed so executed shall be effectual to vest the Lands comprised therein in the Purchaser of such Lands for the Estate which shall so have been purchased by him; and a Receipt under such Common Seal, or under the Hands of Two of the Directors or Managers of the Undertaking as aforesaid, shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received.

Effect of the Word "grant" in Conveyances.

CXXXII. In every Conveyance of Lands to be made by the Promoters of the Undertaking under this or the special Act the Word "grant" shall operate as express Covenants by the Promoters of the Undertaking, for themselves and their Successors, or for themselves, their Heirs, Executors, Administrators, and Assigns, as the Case may be, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Promoters of the Undertaking, they were at the Time of the Execution of such Conveyance seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate

Sale of superfluous Land.

Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Promoters of the Undertaking, and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Promoters of the Undertaking and their Successors from all Incumbrances created by the Promoters of the Undertaking:

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Promoters of the Undertaking, or their Successors, and all other Persons claiming under them:

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants, as they might do if such Covenants were expressly inserted in such Conveyances.

Land Tax and Poor's Rate to be made good.

CXXXIII. And be it enacted, That if the Promoters of the Undertaking become possessed by virtue of this or the special Act, or any Act incorporated therewith, of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate, they shall from Time to Time, until the Works shall be completed and assessed to such Land Tax or Poor's Rate, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate by reason of such Lands having been taken or used for the Purposes of the Works, and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of the special Act; and on demand of such Deficiency the Promoters of the Undertaking, or their Treasurer, shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Promoters of the Undertaking think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Service of Notices upon Company.

CXXXIV. And be it enacted, That any Summons or Notice, or any Writ or other Proceeding at Law or in Equity, requiring to be served upon the Promoters of the Undertaking, may be served by the same being left at or transmitted through the Post directed to the principal Office of the Promoters of the Undertaking, or One of the principal Offices where there shall be more than One, or being given or transmitted through the Post directed to the Secretary, or in case there be no Secretary the Solicitor of the said Promoters.

Tender of Amends.

CXXXV. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or any Act incorporated

therewith, or by virtue of any Power or Authority thereby given, and if, before Action brought in respect thereof, such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court. *Sale of superfluous Land.*

And with respect to the Recovery of Forfeitures, Penalties, and Costs, be it enacted as follows: *Recovery of Penalties.*

Penalties to be summarily recovered before Two Justices.

CXXXVI. Every Penalty or Forfeiture imposed by this or the special Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before Two Justices; and on Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear before Two Justices at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the due Service of such Summons, it shall be lawful for any Two Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CXXXVII. If, forthwith upon any such Adjudication as aforesaid, the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Distress, and such Justices or either of them shall issue their or his Warrant of Distress accordingly.

Distress how to be levied.

CXXXVIII. Where in this or the special Act, or any Act incorporated therewith, any Sum of Money, whether in the Nature of Penalty, Costs, or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on demand, to the Party whose Goods shall have been distrained.

Application of Penalties.

CXXXIX. The Justices by whom any such Penalty or Forfeiture shall be imposed may, where the Application thereof is not otherwise provided for, award not more than One Half thereof

Recovery of Penalties.

to the Informer, and shall award the Remainder to the Overseers of the Poor of the Parish in which the Offence shall have been committed to be applied in aid of the Poor's Rate of such Parish, or if the Place wherein the Offence shall have been committed shall be extra-parochial then such Justices shall direct such Remainder to be applied in aid of the Poor's Rate of such extra-parochial Place, or if there shall not be any Poor's Rate therein in aid of the Poor's Rate of any adjoining Parish or District.

Distress against the Treasurer.

CXL. If any such Sum shall be payable by the Promoters of the Undertaking, and if sufficient Goods of the said Promoters cannot be found whereon to levy the same, it may, if the Amount thereof do not exceed Twenty Pounds, be recovered by Distress of the Goods of the Treasurer of the said Promoters, and the Justices aforesaid, or either of them, on Application, shall issue their or his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer or left at his Residence; and if such Treasurer pay any Money under such Distress as aforesaid he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Promoters of the Undertaking coming into his Custody or Control, or he may sue them for the same.

Distress not unlawful for Want of Form.

CXLI. No Distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Penalties to be sued for within Six Months.

CXLII. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CXLIII. It shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this or the special Act at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

CXLIV. The

CXLIV. The Justices before whom any Person shall be convicted of any Offence against this or the special Act, or any Act incorporated therewith, may cause the Conviction to be drawn up according to the Form in the Schedule (C.) to this Act annexed. Form of Conviction.

CXLV. No Proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts. Proceedings not to be quashed for Want of Form.

CXLVI. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this or the special Act, or any Act incorporated therewith, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon. Parties allowed to appeal to Quarter Sessions on giving Security.

CXLVII. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable. Court to make such Order as they think reasonable.

CXLVIII. Provided always, and be it enacted, That notwithstanding any thing herein or in the special Act, or any Act incorporated therewith, contained, every Penalty or Forfeiture imposed by this or the special Act or any Act incorporated therewith, or by any Bye Law in pursuance thereof, in respect of any Offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, and, except where the Application thereof is otherwise specially provided for, shall be paid to the Receiver of the Metropolitan Police District, and shall be applied in the same Manner as Penalties or Forfeitures, other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis*, and every Order or Conviction of any of the Police Magistrates in respect of any such Forfeiture or Penalty shall be subject to the like Appeal and upon the same Terms as is provided in Receiver of the Metropolitan Police District to receive Penalties incurred within his District. 2 & 3 Vict. c. 71.

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in respect of any Order or Conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any Order or Conviction shall have been made shall have the same Power of binding over the Witnesses who shall have been examined; and such Witnesses shall be entitled to the same Allowance of Expences as he or they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance of the Provisions of the said last-mentioned Act.

Persons giving false Evidence liable to Penalties of Perjury.

CXLIX. And be it enacted, That any Person who upon any Examination upon Oath under the Provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

Access to special Act.

And with respect to the Provision to be made for affording Access to the special Act by all Parties interested, be it enacted as follows:

Copies of special Act to be kept and deposited, and allowed to be inspected.

CL. The Company shall, at all Times after the Expiration of Six Months after the passing of the special Act, keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them; and where the Undertaking shall be a Railway, Canal, or other like Undertaking, the Works of which shall not be confined to One Town or Place, shall also within the Space of such Six Months deposit in the Office of each of the Clerks of the Peace of the several Counties into which the Works shall extend a Copy of such special Act so printed as aforesaid; and the said Clerks of the Peace shall receive, and they and the Company respectively shall retain, the said Copies of the special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Penalty on Company failing to keep or deposit.

CLI. If the Company shall fail to keep or deposit, as hereinbefore mentioned, any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

Act not to extend to Scotland.

CLII. And be it enacted, That this Act shall not extend to *Scotland.*

Act may be amended this Session.

CLIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Conveyance.

I of in consideration of the Sum of paid to me [*or, as the Case may be,* into the Bank of England [*or* Bank of Ireland], in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte "The Promoters of the Undertaking" [*naming them*], *or* to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same], pursuant to the [*here name the special Act*], by the [*here Name the Company or other Promoters of the Undertaking*], incorporated [*or* constituted] by the said Act, do hereby convey to the said Company [*or other Description*], their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Company [*or other Description*], their Successors and Assigns, for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord .

SCHEDULE (B.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by "The Promoters of the Undertaking" [*naming them*], incorporated [*or* constituted] by virtue of the [*here name the special Act*], do hereby convey to the said Company [*or other Description*], their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold the said Premises to the said Company [*or other Description*], their Successors and Assigns, for ever, according to the true Intent and Meaning of the said Act, they the said Company [*or other Description*], their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, one

clear yearly Rent of by equal quarterly [*or* half-yearly, *as agreed upon*,] Portions, henceforth, on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I hereunto set my Hand and Seal, the Day of in the Year of our Lord .

SCHEDULE (C.)

Form of Conviction.

to wit.

Be it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before us *C.*, *D.*, Two of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under our Hands and Seals, the Day and Year first above written.

C., *D.*.

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. XIX.

An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature in *Scotland*. [8th *May* 1845.]

WHEREAS it is expedient to comprise in One general Act sundry Provisions usually introduced into Acts of Parliament relative to the Acquisition of Lands in *Scotland* required for Undertakings or Works of a public Nature, and the Compensation to be made for the same, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall apply to every Undertaking in *Scotland* authorized by any Act of Parliament which shall hereafter be passed, and which shall authorize the taking of Lands for such Undertaking, and this Act shall be incorporated with such Act; and all the Provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, as well as the Clauses and Provisions of every other Act which shall be

This Act to apply to all Undertakings authorized by Acts hereafter passed.

be incorporated with such Act, form Part of such Act, and be construed together therewith as forming One Act.

Interpretations in this Act:

And with respect to the Construction of this Act, and other Acts to be incorporated therewith, be it enacted as follows:

"special Act:"

II. The Expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed, and which shall authorize the taking of Lands for the Undertaking to which the same relates, and with which this Act shall be so incorporated as aforesaid; and the Word "prescribed" used in this Act, in reference to any Matter herein stated, shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act, and the Sentence in which such Word shall occur shall be construed as if instead of the Word "prescribed" the Expression "prescribed for that Purpose in the special Act" had been used; and the Expression "the Works" or "the Undertaking" shall mean the Works or Undertaking, of whatever Nature, which shall by the special Act be authorized to be executed; and the Expression "the Promoters of the Undertaking" shall mean the Parties, whether Company, Undertakers, Commissioners, Trustees, Corporations, or private Persons, by the special Act empowered to execute such Works or Undertaking.

"prescribed:"

"the Works:"

"Promoters of the Undertaking."

Interpretations in this and the special Act.

III. And be it enacted, That the following Words and Expressions both in this and the special Act shall have the several Meanings hereby assigned to them, unless there be something either in the Subject or Context repugnant to such Construction; (that is to say,)

Number: Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include the Singular Number:

Gender: Words importing the Masculine Gender only shall include Females:

"Lands:" The Word "Lands" shall extend to Houses, Lands, Tenements, and Heritages of any Description or Tenure:

"Lease:" The Word "Lease" shall include a Missive of Lease:

"Month:" The Word "Month" shall mean Calendar Month:

"Lord Ordinary:" The "Lord Ordinary" shall mean the Lord Ordinary of the Court of Session in *Scotland* officiating on the Bills in Time of Vacation, or the junior Lord Ordinary, if in Time of Session, as the Case may be:

"Oath:" The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath:

"County:" The Word "County" shall include any Ward or other like Division of a County:

"Sheriff:" The Word "Sheriff" shall include the Sheriff Substitute:

"Justices:" The Word "Justices" shall mean Justices of the Peace acting for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where such Matter shall arise in respect of Lands, being the Property of one and the same

same Party, situate not wholly in any one County, City, Liberty, or Place, the same shall mean a Justice acting for the County, City, Liberty, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter; and where any Matter shall be authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices assembled and acting together: "Two Justices:"

Where, under the Provisions of this or the special Act, or any Act incorporated therewith, any Notice shall be required to be given to the Owner of any Lands, or where any Act shall be authorized or required to be done with the Consent of any such Owner, the Word "Owner" shall be understood to mean any Person or Corporation, or Trustees or others, who, under the Provisions of this or the special Act, would be enabled to sell and convey Lands to the Promoters of the Undertaking: "Owner:"

The Expression "the Bank" shall mean any one of the incorporated or chartered Banks in *Scotland*. "the Bank."

IV. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Lands Clauses Consolidation (*Scotland*) Act, 1845." Short Title of the Act.

V. And whereas it may be convenient in some Cases to incorporate with Acts of Parliament hereafter to be passed some Portion only of the Provisions of this Act; be it therefore enacted, That for the Purpose of making any such Incorporation it shall be sufficient in any such Act to enact that the Clauses of this Act with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act in the Words introductory to the Enactment with respect to such Matter) shall be incorporated with such Act; and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate. Form in which Portions of this Act may be incorporated with other Acts.

Purchase of Lands by Agreement.

And with respect to the Purchase of Lands by Agreement, be it enacted as follows:

VI. Subject to the Provisions of this and the special Act, it shall be lawful for the Promoters of the Undertaking to agree with the Owners of any Lands by the special Act authorized to be taken, and which shall be required for the Purposes of such Act, and with all Parties having any Right or Interest in such Lands, or by this or the special Act enabled to sell and convey the same, for the absolute Purchase of any such Lands, or such Parts thereof as they shall think proper, and for the Purchase of all Rights and Interests in such Lands of what Kind soever. Power to purchase Lands by Agreement.

VII. It

Parties under Disability enabled to sell and convey.

VII. It shall be lawful for all Parties, being possessed of any Lands, or any such Right or Interest therein, to contract for, sell, convey, and dispose of such Lands, or of such Right therein, to the Promoters of the Undertaking, and to enter into all necessary Agreements for these Purposes, and particularly it shall be lawful for the Parties following so to do; (that is to say,) all Corporations, Heirs of Entail, Life-renters, or Persons holding any other partial or qualified Estate or Interest, married Women seised in their own Right or entitled to Terce or Dower, or any other Right or Interest, Husbands, Tutors, Curators, and other Guardians for Infants, Minors, Lunatics or Idiots, fatuous or furious Persons, or for Persons under any other Disability or Incapacity, Judicial Factors, Trustees or Feoffees in trust for charitable or other Purposes, Executors, and Administrators; and the Power so to contract for, sell, convey, and dispose of as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in reversion or expectancy after them, and as to such married Women as if they were sole, and as to such Tutors, Curators, Guardians, Judicial Factors, and Trustees, on behalf of those for whom they respectively act, whether Infants, Minors, Issue unborn, Bankrupts, Lunatics, Idiots, fatuous and furious Persons, married Women, or other incapacitated Persons, and that to the same Extent as such Infants, Minors, Bankrupts, Lunatics, Idiots, fatuous and furious Persons, married Women, and other incapacitated Persons respectively could have exercised the same Power under the Authority of this and the special Act if they had respectively been under no Disability.

Parties under Disability may exercise other Powers.

VIII. The Power herein-after given to discharge any Lands from Feu Duties or Casualties of Superiority, as well as every other Power required to be exercised by any Superior pursuant to the Provisions of this or the special Act, or any Act incorporated therewith, and the Power to discharge Lands from any Rent, Payment, Charge, Feu Duties, Ground Annuals, or other real Burdens or Incumbrances, and to agree for the Apportionment of any such Rent, Payment, Charge, Feu Duties, Ground Annuals, or other real Burdens and Incumbrances, shall extend to and may lawfully be exercised by every Party herein-before enabled to contract for, sell, dispose of, or convey Lands or Rights or Interests therein to the Company.

Amount of Compensation, in case of Parties under Disability, to be ascertained by Valuation, and paid into the Bank.

IX. The Purchase Money or Compensation to be paid for any Lands, or any Rights or Interests therein, to be purchased or taken from any Party under any Disability or Incapacity, and not having Power to sell or convey such Lands, or Rights or Interests therein, except under the Provisions of this or the special Act, and the Compensation to be paid for any permanent Damage or Injury to any such Lands, shall not, except where the same shall have been determined by the Sheriff, or by the Verdict of a Jury, or by Arbitration, or by the Valuation of a Valuator appointed by the Sheriff under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Valuators, one of whom shall be

nominated by the Promoters of the Undertaking, and the other by the other Party, and if such Two Valuators cannot agree in the Valuation then by such Third Valuator as the Sheriff shall, upon Application of either Party, after Notice to the other Party, for that Purpose nominate; and each of such Two Valuators, if they agree, or if not, then the Valuator nominated by the said Sheriff, shall annex to the Valuation a Declaration in Writing, subscribed by them or him, of the Correctness thereof; and all such Purchase Money or Compensation shall be deposited in the Bank, for the Benefit of the Parties interested, in manner herein-after mentioned. *Purchase of Lands by Agreement.*

X. It shall be lawful for all Parties entitled to dispose of absolutely any Lands authorized to be purchased for the Purposes of the special Act to convey such Lands or any Part thereof unto the Promoters of the Undertaking in consideration of an annual Feu Duty or Ground Annual payable by the Promoters of the Undertaking. Where Vendor absolutely entitled Lands may be sold on Feu Duties &c.;

XI. The Feu Duties or Ground Annuals stipulated by any such Conveyance shall be charged on the Tolls or Rates, if any, payable under the special Act, and shall be otherwise secured in such Manner as shall be agreed between the Parties, and shall be paid by the Promoters of the Undertaking as such Feu Duties or Ground Annuals become payable; and if at any Time the same be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Feu Duties or Ground Annuals shall be payable may either recover the same from the Promoters of the Undertaking, with Expences of Suit, by Action in any competent Court, or it shall be lawful for him to levy the same by Poinding and Sale of the Goods and Effects of the Promoters of the Undertaking. Payment of which to be charged on Tolls.

XII. In case the Promoters of the Undertaking shall be empowered by the special Act to purchase Lands for extraordinary Purposes, it shall be lawful for all Parties who, under the Provisions herein-before contained, would be enabled to sell, feu, and convey Lands, to sell, feu, and convey the Lands so authorized to be purchased for extraordinary Purposes. Power to purchase Lands required for additional Accommodation.

XIII. It shall be lawful for the Promoters of the Undertaking to sell the Lands which they shall have so acquired for extraordinary Purposes, or any Part thereof, in such Manner and for such Considerations and to such Persons as the Promoters of the Undertaking may think fit, and again to purchase other Lands for the like Purposes, and afterwards sell the same, and so from Time to Time, but the total Quantity of Land to be held at any one Time by the Promoters of the Undertaking for the Purposes aforesaid shall not exceed the prescribed Quantity. Authority to sell and repurchase such Lands.

XIV. The Promoters of the Undertaking shall not, by virtue of the Power to purchase Land for extraordinary Purposes, purchase or acquire more than the prescribed Quantity from any Party under legal Disability, or who would not be able to sell or convey such Lands, except under the Powers of this and the special Act; and Restraint on Purchase from incapacitated Persons.

Purchase of Lands by Agreement.

if the Promoters of the Undertaking purchase or acquire the said Quantity of Land from any Party under such legal Disability, and afterwards sell or dispose of the whole or any Part of the Land so purchased, it shall not be lawful for any Party, being under legal Disability, to sell or convey to the Promoters of the Undertaking any other Lands in lieu of the Land so sold or disposed of by them.

Capital to be subscribed before compulsory Powers of Purchase put in force.

XV. Where the Undertaking is intended to be carried into effect by means of a Capital to be subscribed by the Promoters of the Undertaking, the whole of the Capital of the Company or estimated Sum for defraying the Expences of the Undertaking shall be subscribed under Contract binding the Parties thereto, their Heirs, Executors, and Administrators, for the Payment of the several Sums by them respectively subscribed before it shall be lawful to put in force any of the Powers of this or the special Act, or any Act incorporated therewith, in relation to the compulsory taking of Land for the Purposes of the Undertaking.

A Certificate of the Sheriff to be Evidence that the Capital has been subscribed.

XVI. A Certificate, under the Hands of the Sheriff, certifying that the whole of the prescribed Sum has been subscribed, shall be sufficient Evidence thereof; and on the Application of the Promoters of the Undertaking, and the Production of such Evidence as such Sheriff thinks proper and sufficient, such Sheriff shall grant such Certificate accordingly.

Purchase of Lands otherwise than by Agreement.

And with respect to the Purchase and taking of Lands otherwise than by Agreement, be it enacted as follows:

Notice of Intention to take Lands.

XVII. When the Promoters of the Undertaking shall require to purchase any of the Lands which by this or the special Act, or any Act incorporated therewith, they are authorized to purchase or take, they shall give Notice thereof to all the Parties interested in such Lands, or to the Parties enabled by this or the special Act to sell and convey the same, or their Rights and Interests therein, or such of the said Parties as shall, after diligent Inquiry, be known to the Promoters of the Undertaking, and by such Notice shall demand from such Parties the Particulars of their Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall state the Particulars of the Lands so required, and that the Promoters of the Undertaking are willing to treat for the Purchase thereof, and as to the Compensation to be made to all Parties for the Damage that may be sustained by them by reason of the Execution of the Works.

Service of Notices on Owners and Occupiers of Lands.

XVIII. All Notices required to be served by the Promoters of the Undertaking upon the Parties interested in or entitled to sell any such Lands shall either be served personally on such Parties, or left at their last usual Place of Abode, if any such can, after diligent Inquiry, be found; and in case any such Parties shall be absent from the United Kingdom, or cannot be found after diligent Inquiry, such Notices when the same are to be given to an Owner of Lands shall be served on the Factor or Agent, if any, of such Owner,

and

and shall also be left with the Occupier of such Lands, or, if there be no such Occupier, shall be affixed upon some conspicuous Part of such Lands. *Purchase of Lands otherwise than by Agreement.*

XIX. If for Twenty-one Days after the Service of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Promoters of the Undertaking in respect thereof, or if such Party and the Promoters of the Undertaking shall not agree as to the Amount of the Compensation to be paid by the Promoters of the Undertaking for the Interest in such Lands belonging to such Party, or which he is by this or the special Act enabled to sell, or for any Damage that may be sustained by him by reason of the Execution of the Works, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation. If Parties fail to treat, or in case of Dispute, Question to be settled as after mentioned.

XX. If no Agreement be come to between the Promoters of the Undertaking and the Owners of or Parties by this or the special Act enabled to sell and convey any Lands taken or required for or injuriously affected by the Execution of the Undertaking, or any Interest in such Lands, as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, it shall be lawful for the Parties to refer the same to Arbitration. Dispute as to Compensation may be referred to Arbitration.

XXI. If the Compensation claimed and disputed shall not exceed Fifty Pounds, unless both Parties agree to refer such Compensation to Arbitration, the same shall be settled by the Sheriff. If Claim does not exceed 50*l.* to be settled by the Sheriff.

XXII. It shall be lawful for the Sheriff, upon the Application of either Party with respect to any such Question of disputed Compensation, to issue an Order for the other Party to appear before such Sheriff, at a Time and Place to be named in the Order; and upon the Appearance of such Parties, or in the Absence of any of them upon Proof of due Service of the Order, it shall be lawful for such Sheriff to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and their Witnesses, upon Oath, without written Pleadings or reducing the Evidence to Writing; and the Expences of every such Inquiry, excepting the remunerative Expences of the Sheriff, shall be in the Discretion of such Sheriff, and he shall settle the Amount thereof; and the Determination of the Sheriff upon such Question shall be final and conclusive, and not subject to Review or Appeal in any Form or Court whatever. Method of proceeding for settling Disputes as to Compensation by Sheriff.

XXIII. If the Compensation claimed or offered in any Case shall exceed Fifty Pounds, and if the Party claiming such Compensation desire to have the same settled by Arbitration, and signify such Desire to the Promoters of the Undertaking, before they have presented their Petition to the Sheriff to summon a Jury in respect of such Lands, under the Provisions herein-after contained, by a Notice in Writing, stating in such Notice the Nature of the Interest in such Lands in respect of which he claims Compensation, and the Amount of the Compensation so claimed, and unless the Promoters of the Undertaking be willing to pay the Amount of Compensation so claimed, Where Compensation claimed exceeds 50*l.*, it may be settled by Arbitration if Claimant so desire.

Purchase of Lands otherwise than by Agreement.

claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, the same shall be settled by Arbitration in the Manner herein-after provided.

Appointment of Arbiters when Questions are to be determined by Arbitration.

XXIV. When any Question of disputed Compensation by this or the special Act, or any Act incorporated therewith, authorized or required to be settled by Arbitration, shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbiter, each Party, on the Request of the other Party, shall nominate and appoint an Arbiter, to whom such Dispute shall be referred; and every Appointment of an Arbiter shall be made on the Part of the Company under the Hand of the Secretary or any Two of the Directors of the Company, and on the Part of any other Party under the Hand of such Party, or if such Party be a Company or Corporation under the Hand of the proper Officer or Person authorized by such Company or Corporation, and such Appointment shall be delivered to the Arbiters and shall be deemed a Submission to Arbitration on the Part of the Party by whom the same shall be made; and after any such Appointment shall have been made neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of either Party operate as such Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing, in which shall be stated the Matters so required to be referred to Arbitration, shall have been served by the one Party on the other Party to appoint an Arbiter, such other Party fail to appoint an Arbiter, then upon such Failure the Party making the Request, and having himself appointed an Arbiter, may appoint such Arbiter to act on behalf of both Parties, and such Arbiter may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbiter shall be final.

Vacancy of Arbiter to be supplied.

XXV. If, before the Matters so referred shall be determined, any Arbiter appointed by either Party die, or become incapable, the Party by whom such Arbiter was appointed may nominate and appoint in Writing some other Person to act in his Place, and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so, the remaining or other Arbiter may proceed *ex parte;* and every Arbiter so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbiter at the Time of such his Death or Disability as aforesaid.

Appointment of Oversman.

XXVI. Where more than One Arbiter shall have been appointed such Arbiters shall, before they enter upon the Matters referred to them, nominate and appoint, by Writing under their Hands, an Oversman to decide on any such Matters on which they shall differ, or which shall be referred to him under the Provisions of this or the special Act; and if such Oversman shall die, or become incapable to act, they shall forthwith after such Death or Incapacity appoint another Oversman in his Place; and the Decision of every such Oversman on the Matters on which the Arbiters shall differ shall be final.

XXVII. If

XXVII. If in either of the Cases aforesaid the said Arbiters shall refuse, or shall, for Seven Days after Request of either Party to such Arbitration, neglect to appoint an Oversman, it shall be lawful for the Lord Ordinary, on the Application of either Party to such Arbitration, to appoint an Oversman, and the Decision of such Oversman on the Matters on which the Arbiters shall differ, or which shall be referred to him under this or the special Act, shall be final.

Lord Ordinary empowered to appoint an Oversman on Neglect of the Arbiters.

XXVIII. If, when a single Arbiter shall have been appointed, such Arbiter shall die, or become incapable to act, before he shall have made his Award, the Matters referred to him shall be determined by Arbitration, under the Provisions of this or the special Act, in the same Manner as if such Arbiter had not been appointed.

In case of Death of single Arbiter, the Matter to begin de novo.

XXIX. If, when more than One Arbiter shall have been appointed, either of the Arbiters refuse or for Seven Days neglect to act, the other Arbiter may proceed *ex parte*, and the Decision of such Arbiter shall be as effectual as if he had been the single Arbiter appointed by both Parties.

If either Arbiter refuse to act, the other to proceed ex parte.

XXX. If, where more than One Arbiter shall have been appointed, and neither of them shall refuse or neglect to act as aforesaid, such Arbiters shall fail to make their Award within Twenty-one Days after the Day on which the last of such Arbiters shall have been appointed, or within such extended Time as shall have been appointed for that Purpose by both such Arbiters under this Act, the Matters referred to them shall be determined by the Umpire to be appointed as aforesaid.

If Arbiters fail to make their Award within 21 Days, the Matter to go to the Umpire.

XXXI. The said Arbiters or their Oversman may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose, and take all Evidence competent according to the Law of *Scotland*.

Power of Arbiters to call for Books, &c.

XXXII. All the Expences of any such Arbitration and incident thereto, to be settled by the Arbiters or Oversman, as the Case may be, shall be borne by the Promoters of the Undertaking, unless the Arbiters or Oversman shall award the same Sum as or a less Sum than shall have been offered by the Promoters of the Undertaking, in which Case each Party shall bear his own Expences incident to the Arbitration; and in all Cases the Expences of the Arbiters or Oversman, as the Case may be, and of recording the Decreet Arbitral or Award in the Books of the Council and Session, shall be borne by the Promoters of the Undertaking.

Costs of Arbitration how to be borne.

XXXIII. The Arbiters shall make their Decreet Arbitral or Award in Writing, and shall cause the same to be recorded in the Books of Council and Session, or shall deliver the same to the Promoters of the Undertaking, to be by them so recorded, and the said Promoters shall, on demand, at their own Expence, furnish an Extract thereof from the said Books to the other Party to the Arbitration; and

Award to be delivered to the Promoters of the Undertaking.

Purchase of Lands otherwise than by Agreement.

Extracts of Decrees Arbitral or Awards shall bear Faith in all Courts and Cases the same as the original Writings, unless the Originals be improven.

Award not to be set aside for Error in Form.

XXXIV. No Award made with respect to any Question referred to Arbitration under the Provisions of this or the special Act, shall be set aside for Irregularity or Error in Matter of Form.

If Arbitration or Award not made within a limited Time, Compensation to be settled by a Jury.

XXXV. If the Party claiming Compensation shall not, as herein-before provided, signify his Desire to have the Question of such Compensation settled by Arbitration, or if, when the Matter shall have been referred to Arbitration, the Arbiters or their Umpire shall for Three Months have failed to make their or his Award, the Question of such Compensation shall be settled by the Verdict of a Jury, as herein-after provided.

Party claiming Compensation may require a Jury to be summoned.

XXXVI. But if any Party entitled to any Compensation in respect of any such Lands or Interest therein, exceeding Fifty Pounds as aforesaid, shall desire to have the Amount of such Compensation determined by a Jury, it shall in like Manner be lawful for him to give Notice in Writing to the Promoters of the Undertaking of such his Desire, stating in such Notice the Nature of the Interest in such Lands in respect of which he claims Compensation, and the Amount of the Compensation so claimed by him; and unless the Promoters of the Undertaking be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall, unless the Question shall previously have been agreed to be settled by Arbitration, present their Petition to the Sheriff to summon a Jury for settling the same in the Manner herein-after provided, and in default thereof they shall be liable to pay to the Party so entitled as aforesaid the Amount of Compensation so claimed, and the same may be recovered by him, with Costs, by Action in any competent Court.

Promoters of the Undertaking to give Notice before summoning a Jury.

XXXVII. Before the Promoters of the Undertaking shall present their Petition for summoning a Jury for settling any Case of disputed Compensation they shall give not less than Ten Days Notice to the other Party of their Intention to cause such Jury to be summoned; and in such Notice the Promoters of the Undertaking shall state what Sum of Money they are willing to give for the Interest in such Lands sought to be purchased by them from such Party, and for the Damage to be sustained by him by the Execution of the Works.

Petition for summoning Jury to be addressed to the Sheriff.

XXXVIII. In every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Promoters of the Undertaking shall present their Petition to the Sheriff to summon a Jury for that Purpose; and such Petition shall, if the Promoters be a Company or Corporation, be signed by the Secretary or proper Officer or Person authorized by such Company or Corporation, and if they be not a Company or Corporation

ration such Petition shall be signed by the Promoters, or any Two of them if more than One.

Jurymen to be summoned.

XXXIX. Upon the Receipt of such Petition as aforesaid the Sheriff shall summon a Jury of Twenty-five indifferent Persons, duly qualified to act as Common Jurymen for the Trial of Civil Causes in the Court of Session, to meet at a Time and Place to be named by the Sheriff in the Warrant for that Purpose.

Notice of Inquiry.

XL. Not less than Ten Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Promoters of the Undertaking to the other Party, or to his known Agent.

Jury to be impannelled.

XLI. Out of the Jurors appearing upon such Summons a Jury of Thirteen Persons shall be drawn by Ballot; and if a sufficient Number of Jurymen do not appear in obedience to such Summons the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges for Cause against any of the Jurymen; and each Party may have Three peremptory Challenges.

Sheriff to preside; Jury may view.

XLII. The Sheriff shall preside on the said Inquiry; and the Party claiming Compensation shall be deemed the Pursuer, and the Proceedings at such Trials shall be conducted in like Manner as in Criminal Trials; and, if either Party so request, the Sheriff shall order the Jury, or any Seven or more of them, to view the Place or Matter in controversy.

Penalty on Jury for Default.

XLIII. If any Person summoned and returned upon any Jury under this or the special Act, whether common or special, do not appear, or if appearing he refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and, in addition to the Penalty hereby imposed, every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of a Civil Cause in the Court of Session.

Witnesses to be summoned.

XLIV. If either Party so request in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question.

Penalty on Witnesses making default.

XLV. If any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit to the Party aggrieved a Sum not exceeding Ten Pounds, and, in addition to the Penalty hereby imposed, shall be

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be subject to the same Regulations, Pains, and Penalties as if such Witness, having been duly summoned, had failed to appear, or having appeared had refused to be examined in any other Cause.

If the Party make default the Inquiry not to proceed.

XLVI. If the Party claiming Compensation shall not appear at the Time appointed for the Inquiry such Inquiry shall not be further proceeded in, but the Compensation to be paid shall be such as shall be ascertained by a Valuator appointed by the Sheriff in manner herein-after provided.

Jury to be sworn.

XLVII. Before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Sums to be paid for Purchase of Lands and for Damage, to be assessed separately.

XLVIII. Where such Inquiry shall relate to the Value of Lands to be purchased, and also to Compensation claimed for Injury done or to be done to the Lands held therewith, the Jury shall deliver their Verdict by a Majority of their Number separately for the Sum of Money to be paid for the Purchase of the Lands required for the Works, or of any Interest therein belonging to the Party with whom the Question of disputed Compensation shall have arisen, or which under the Provisions herein contained, such Party is entitled to sell or convey, and for the Sum of Money to be paid by way of Compensation for the Damage, if any, to be sustained by the Owner of the Lands by reason of severing of the Lands taken from the other Lands of such Owner, or otherwise injuriously affecting such Lands by the Exercise of the Powers of this or the special Act, or any Act incorporated therewith: Provided always, that if the Parties agree to dispense with such Separation the Verdict may be returned for One Sum.

Verdict and Judgment to be recorded.

XLIX. The Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Sheriff Court among the Records of that Court; and such Verdicts and Judgments shall be deemed Records, and the same or official Copies thereof shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Expences of the Inquiry how to be borne.

L. On every such Inquiry before a Jury all the Expences of such Inquiry shall be borne by the Promoters of the Undertaking, unless the Verdict of the Jury be given for the same or a less Sum than the Sum previously offered by the Promoters of the Undertaking, or unless the Owner of or Party interested in the Lands shall have failed to appear at the Time and Place appointed for the Inquiry, having received due Notice thereof, in either of which Cases One

Half

Half of the Expences of the Promoters of the Undertaking shall be defrayed by the Owner of or Party interested in the Lands.

Particulars of the Expences.

LI. The Expences of any such Inquiry shall, in case of Difference, be settled by the Sheriff on the Application of either Party; and such Expences shall include all reasonable Charges and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel and Agents, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, including the Remuneration to the Sheriff for his Time and Labour, and his reasonable travelling Expences, which Remuneration for Time and Labour, exclusive of travelling Expences, shall be Five Guineas and no more for any Inquiry as aforesaid, whether with or without a Jury, unless such Inquiry shall occupy more than One Day or Period of Eight Hours, in which Case there shall be paid to the Sheriff a Sum of Five Guineas for each Day or Period of Eight Hours the Inquiry may occupy, including the Time necessarily occupied in travelling to and from the Place of Trial: Provided always, that the Time occupied in travelling shall not in reference to any Inquiry be computed at more than Two Days; and in all Cases of Inquiry as aforesaid before the Sheriff, with or without a Jury, the Remuneration or Expences of the Sheriff shall be borne by the Promoters of the Undertaking.

Payment of Expences.

LII. If any such Costs shall be payable by the Promoters of the Undertaking, and if within Seven Days after Demand such Expences be not paid to the Party entitled to receive the same, they shall be recoverable by Poinding and Sale, and on Application to the Sheriff he shall issue his Warrant accordingly; and if any such Expences shall be payable by the Owner of the Lands, or of any Interest therein, the same may be deducted and retained by the Promoters of the Undertaking out of any Money awarded by the Jury to such Owner or Party interested, or determined by the Valuation of a Valuator under the Provision herein-after contained; and the Payment or Deposit of the Remainder, if any, of such Money shall be deemed Payment and Satisfaction of the whole thereof, or, if such Expences shall exceed the Amount of the Money so awarded or determined, the Excess shall be recoverable by Poinding and Sale, and on Application to the Sheriff he shall issue his Warrant accordingly.

Special Jury to be summoned at the Request of either Party.

LIII. If either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, such Question shall be so tried, provided that Notice of such Desire, if coming from the other Party, be given to the Promoters of the Undertaking before they have presented their Petition to the Sheriff; and for that Purpose the Promoters of the Undertaking shall, by their Petition to the Sheriff, require him to nominate a Special Jury for such Trial; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Petition, summon both the Parties to appear before him, by themselves or their Agents, at some convenient Time and Place appointed by him, for the Purpose of nominating a Special

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Jury (not being less than Five Days from the Service of such Summons); and at the Place and Time so appointed the Sheriff shall proceed to nominate a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated by the Sheriff in other Cases, and the Sheriff shall appoint a Day for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties; and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty, in the Manner used and accustomed in reducing Special Juries in the Court of Session.

Deficiency of Special Jurymen.

LIV. The Special Jury on such Inquiry shall consist of Thirteen of the said Twenty who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons, qualified to act as Special or Common Jurymen, who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured so as to complete such Jury, all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury; and such Trial shall be attended in all respects with the like Incidents and Consequences, and the like Penalties shall be applicable as herein-before provided in the Case of a Trial by Common Jury.

Other Inquiries before same Special Jury by Consent.

LV. Any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Compensation to absent Parties to be determined by a Valuator, appointed by the Sheriff.

LVI. The Purchase Money or Compensation to be paid for any Lands to be purchased or taken by the Promoters of the Undertaking from any Party who, by reason of Absence from the Kingdom, is prevented from treating, or who cannot after diligent Inquiry be found, or who shall not appear at the Time appointed for the Inquiry before the Jury, after due Notice thereof, and the Compensation to be paid for any permanent Injury to such Lands, shall be such as shall be determined by the Valuation of such Valuator as the Sheriff shall nominate for that Purpose, as herein-after mentioned.

Sheriff to nominate a Valuator.

LVII. Upon Application by the Promoters of the Undertaking to the Sheriff, and upon such Proof as shall be satisfactory to him that any such Party is, by reason of Absence from the Kingdom, prevented from treating, or cannot after diligent Inquiry be found, or that any such Party failed to appear on such Inquiry before a Jury as aforesaid, after due Notice to him for that Purpose, such Sheriff shall, by Writing under his Hand, nominate a Valuator for determining such Compensation as aforesaid, and such Valuator shall determine

determine the same accordingly, and shall annex to his Valuation a Declaration in Writing, subscribed by him, of the Correctness thereof. *Purchase of Lands otherwise than by Agreement.*

LVIII. Before such Valuator shall enter upon the Duty of making such Valuation as aforesaid he shall, in the Presence of such Sheriff, make and subscribe the Oath following at the Foot of such Nomination; (that is to say,) Declaration to be made by the Valuator.

'I *A.B.* do solemnly swear, That I will faithfully, impartially, and 'honestly, according to the best of my Skill and Ability, execute 'the Duty of making the Valuation hereby referred to me. So help 'me GOD. *A.B.*

'Sworn and subscribed in the Presence of .'

And if any Valuator shall corruptly make such Oath, or having made such Oath shall wilfully act contrary thereto, he shall be guilty of and incur the Pains of Perjury.

LIX. The said Nomination and Declaration shall be annexed to the Valuation to be made by such Valuator, and shall be preserved together therewith, by the Promoters of the Undertaking, and they shall at all Times produce the said Valuation and other Documents, on Demand, to the Owner of the Lands comprised in such Valuation, and to all other Parties interested therein. Valuation, &c. to be produced to the Owner of the Lands, on Demand.

LX. All the Expences of and incident to every such Valuation shall be borne by the Promoters of the Undertaking. Expence to be borne by the Promoters.

LXI. In estimating the Purchase Money or Compensation to be paid by the Promoters of the Undertaking in any of the Cases aforesaid regard shall be had not only to the Value of the Land to be purchased or taken by the Promoters of the Undertaking, but also to the Damage, if any, to be sustained by the Owner of the Lands by reason of the severing of the Lands taken from the other Lands of such Owner, or otherwise injuriously affecting such Lands by the Exercise of the Powers of this or the special Act, or any other Act incorporated therewith. Purchase Money and Compensation how to be estimated.

LXII. On estimating the Purchase Money or Compensation to be paid by the Promoters of the Undertaking in any of the Cases aforesaid, the Sheriff, Arbiters, Valuator, or Jury, as the Case may be, shall apportion the said Compensation among the Parties who may be interested in the said Lands as joint Owners or Lessees, or as holding some Security or Burden or Claim thereon or Interest therein, and who shall have been Parties to the said Trial or Arbitration or Valuation: Provided always, that nothing herein contained shall prevent any Person having a separate Interest from having the same separately tried. Compensation may be apportioned among different Parties.

LXIII. When the Compensation payable in respect of any Lands, or any Interest therein, shall have been ascertained by the Valuation of a Valuator, and deposited in the Bank under the Provisions herein contained, by reason that the Owner of or Party entitled to convey such Where Compensation to absent Party has been determined by a Valuator

the Party may have the same submitted to Arbitration.

such Lands, or such Interest therein as aforesaid, could not be found, or was absent from the Kingdom, and if such Owner or Party shall be dissatisfied with such Valuation, it shall be lawful for him, before he shall have applied to the Court of Session for Payment or Investment of the Monies so deposited under the Provisions herein contained, by Notice in Writing to the Promoters of the Undertaking, to require the Question of such Compensation to be submitted to Arbitration, and thereupon the same shall be so submitted to and settled by Arbitration in the Manner herein-before provided for settling Disputes by Arbitration.

Question to be submitted to the Arbiters.

LXIV. The Question to be submitted to the Arbiters in the Case last aforesaid shall be, whether the said Sum so deposited as aforesaid by the Promoters of the Undertaking was a sufficient Sum, or whether any and what further Sum ought to be paid or deposited by them.

If further Sum awarded, Promoters to pay or deposit same within 14 Days.

LXV. If the Arbiters shall decide that a further Sum ought to be paid or deposited by the Promoters of the Undertaking they shall pay or deposit, as the Case may require, such further Sum within Fourteen Days after the making of such Decreet Arbitral or Award, or in default thereof the same may be enforced by Diligence, or recovered, with Expences, by Action in any competent Court.

Expences of the Arbitration.

LXVI. If the Arbiters shall determine that the Sum so deposited was sufficient, the Expences of and incident to such Arbitration, to be determined by the Arbiters, shall be in the Discretion of the Arbiters; but if the Arbiters shall determine that a further Sum ought to be paid or deposited by the Promoters of the Undertaking, all the Expences of and incident to the Arbitration shall be borne by the Promoters of the Undertaking.

Application of Compensation.

And with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title, be it enacted as follows:

Purchase Money payable to Parties under Disability, amounting to 200*l.*, to be deposited in the Bank.

LXVII. The Purchase Money or Compensation which shall be payable in respect of any Lands, or any Interest therein, purchased or taken by the Promoters of the Undertaking from any Corporation, Heir of Entail, Life-renter, married Woman seised in her own Right or entitled to Terce or Dower, or any other Right or Interest, Husband, Tutors, Curators, or other Guardians for any Infant, Minor, Lunatic, or Idiot, fatuous or furious Person, or for any Person under any other Disability or Incapacity, Judicial Factor, Trustee, Executor, or Administrator, or Person having a partial or qualified Interest only in such Lands, and not entitled to sell or convey the same, except under the Provisions of this or the special Act, or the Compensation to be paid for any permanent Damage to any such Lands, shall, if it amount to or exceed the Sum of Two hundred Pounds, the same shall be paid into the Bank, to the Intent that such Monies shall be applied, under the Authority of the Court of Session, to some One or more of the following Purposes; (that is to say,)

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which

which such Money shall have been paid, or affecting other Lands settled therewith on the same Heirs, or for the same Trusts or Purposes, or affecting succeeding Heirs of Entail in any such Lands, whether imposed and constituted by the Entailer, or in virtue of Powers given by the Entail, or in virtue of Powers conferred by any Act of Parliament; *Application of Compensation.*

In the Purchase of other Lands to be conveyed, limited, and settled upon the same Heirs, and the like Trusts and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this or the special Act, or injured by the Proximity of the Works, or in removing or replacing such Buildings, or substituting others in their Stead, in such Manner as the said Court shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

LXVIII. Such Money may be so applied as aforesaid upon an Order of the Court of Session, made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it shall be retained in the Bank at Interest, or shall be laid out and invested in the Public Funds or in Heritable Securities, and the Interest, Dividends, and annual Proceeds thereof shall from Time to Time, under the like Order, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands. Order for Application, and Investment meanwhile.

LXIX. If such Purchase Money or Compensation shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, the same shall either be paid into the Bank, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Tutors, Curators, Judicial Factors, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Promoters of the Undertaking approve thereof, and of the Trustees named for the Purpose; and the Money so paid to such Trustees, and the Produce arising therefrom, shall, at the Expence of the Promoters of the Undertaking, be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank, but it shall not be necessary to obtain any Order of Court for that Purpose. Sums from 20*l.* to 200*l.* to be deposited, or paid to Trustees.

LXX. If such Money shall not exceed the Sum of Twenty Pounds the same shall be paid to the Parties entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, Sums not exceeding 20*l.* to be paid to Parties.

Application of Compensation.

payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Tutors, Curators, Judicial Factors, or Trustees of such Persons.

All Sums payable under Contract with Persons not absolutely entitled to be paid into the Bank.

LXXI. All Sums of Money exceeding Twenty Pounds which may be payable by the Promoters of the Undertaking, in respect of the taking, using, or interfering with any Lands under a Contract or Agreement with any Person who shall not be entitled to dispose of such Lands, or of the Interest therein contracted to be sold by him, absolutely for his own Benefit, shall be paid into the Bank or to Trustees in manner aforesaid; and it shall not be lawful for any contracting Party, not entitled as aforesaid, to retain to his own Use any Portion of the Sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such Lands, or for assenting to or not opposing the passing of the Bill authorizing the taking of such Lands, or in lieu of Bridges, Tunnels, or other Accommodation Works, but all such Monies shall be deemed to have been contracted to be paid for and on account of the several Parties interested in such Lands, as well in possession as in succession or expectancy: Provided always, that it shall be in the Discretion of the Court of Session or the said Trustees, as the Case may be, to allot to any Life-renter or Person holding for any other partial or qualified Right or Interest, for his own Use, a Portion of the Sum so paid into the Bank or to such Trustees as aforesaid as Compensation for any Injury, Inconvenience, or Annoyance which he may be considered to sustain, independently of the actual Value of the Lands to be taken, and of the Damage occasioned to the Lands held therewith by reason of the taking of such Lands and the making of the Works.

Court of Session may direct Application of Money in respect of Leases or Reversions as they may think just.

LXXII. Where any Purchase Money or Compensation paid into the Bank under the Provisions of this or the special Act shall have been paid in respect of any Lease for Lives or Years, or any Right or Interest in Lands less than the Fee thereof, or of any Reversion dependent on any such Lease, or Right or Interest, it shall be lawful for the Court of Session, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might lawfully have had from the Lease, Right, Interest, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

On the Purchase of Lands to be entailed, not necessary to insert the Provisions verbatim.

LXXIII. If such Money shall be laid out and invested in the Purchase of Lands to be held under Entail, or under Uses, Trusts, Intents, and Purposes, it shall not be necessary to ingross verbatim in the Titles to such new Lands the Provisions of the Entail or other Investiture of the said old Lands, or to mention specifically the Uses, Trusts, Intents, and Purposes for and upon which the said new Lands are to be held, but it shall be sufficient to state the Dates of executing and recording the Deed or Deeds containing the Provisions and Conditions

tions subject to which, or the Uses, Trusts, Intents, and Purposes to, for, and upon which, the said old Lands were held, and to declare that the said new Lands shall be held subject to the same Provisions and Conditions, and to, for, and upon the like Uses, Trusts, Intents, and Purposes, and to record the Title Deed containing such general Reference in the Register of Tailzies, Sasines, or other proper Record, according to the Nature of such Title Deed, which the Keepers of the said Registers are hereby authorized and required to do without a special Order to that Effect: Provided always, that upon the first Occasion of completing Titles to the said entailed Estates the Lands acquired to the Estate may be introduced into the Titles then completed, after which they shall descend regularly as Part and Portion of the entailed Estates.

Application of Compensation.

LXXIV. Upon Deposit in the Bank in manner herein-before provided of the Purchase Money or Compensation agreed or awarded to be paid in respect of any Lands purchased or taken by the Promoters of the Undertaking, under the Provisions of this or the special Act, or any Act incorporated therewith, the Owner of such Lands, including in such Term all Parties by this Act enabled to sell or convey Lands, shall, when required so to do by the Promoters of the Undertaking, duly convey such Lands to the Promoters of the Undertaking, or as they shall direct; and in default thereof, or if he fail to adduce a good Title to such Lands, it shall be lawful for the Promoters of the Undertaking, if they think fit, to expede an Instrument under the Hands of a Notary Public, containing a Description of the Lands in respect of which such Default shall be made, and reciting the Purchase or taking thereof by the Promoters of the Undertaking, and the Names of the Parties from whom the same were purchased or taken, and the Deposit made in respect thereof, and declaring the Fact of such Default having been made; and such Instrument shall be stamped with the Stamp Duty which would have been payable upon a Conveyance to the Promoters of the Undertaking of the Lands described therein; and thereupon all the Estate and Interest in such Lands of or capable of being sold and conveyed by the Party between whom and the Promoters of the Undertaking such Agreement shall have been come to, or as between whom and the Promoters of the Undertaking such Purchase Money or Compensation shall have been determined by the Sheriff, by a Jury, or by Arbiters, or by a Valuation appointed by the Sheriff, as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the Promoters of the Undertaking; and as against such Parties, and all Parties on behalf of whom they are herein-before enabled to sell and convey, the Promoters of the Undertaking shall be entitled to immediate Possession of such Lands; and such Instrument, being registered in the Register of Sasines in manner herein-after provided in regard to Conveyances of Lands, shall have the same Effect as a Conveyance so registered.

Upon Deposit being made, the Owners of the Lands to convey, or in default the Lands to vest in the Promoters of the Undertaking, upon a notarial Instrument being executed.

LXXV. If the Owner of any such Lands purchased or taken by the Promoters of the Undertaking, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid in respect thereof, refuse to accept the same, or neglect or fail to make out a Title to such Lands, or to the Interest therein claimed by

Where Parties refuse to convey, or do not show Title, or cannot be found, the

Purchase Money to be deposited.

by him, to the Satisfaction of the Promoters of the Undertaking, or if he refuse or is unable validly to convey such Lands as directed by the Promoters of the Undertaking, or to discharge or obtain a Discharge of any Burden or Incumbrance thereon which was not specially excepted from Discharge, or if any such Owner be absent from the Kingdom, or cannot after diligent Inquiry be found, or fail to appear, on the Inquiry before a Jury, as herein provided for, it shall be lawful for the Promoters of the Undertaking to deposit the Purchase Money or Compensation payable in respect of such Lands or any Interest therein in the Bank, to be placed, except in the Cases herein otherwise provided for, to an Account to be opened in the Name of the Parties interested in such Lands (describing them, so far as the Promoters of the Undertaking can do), subject to the Control and Disposition of the Court of Session.

Upon Deposit being made, a Receipt to be given, and the Lands to vest, upon a notarial Instrument being executed.

LXXVI. Upon any such Deposit of Money as last aforesaid being made, the Cashier or other proper Officer of such Bank shall give to the Promoters of the Undertaking, or to the Party paying in such Money by their Direction, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and it shall be lawful for the Promoters of the Undertaking, if they think fit, to expede an Instrument under the Hands of a Notary Public, containing a Description of the Lands in respect whereof such Deposit shall have been made, and declaring the Circumstances under which and the Names of the Parties to whose Credit such Deposit shall have been made, and such Instrument shall be stamped with the Stamp Duty which would have been payable upon a Conveyance to the Promoters of the Undertaking of the Lands described therein; and thereupon all the Estate and Interest in such Lands of the Parties for whose Use and in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Promoters of the Undertaking, and as against such Parties they shall be entitled to immediate Possession of such Lands; and such Instrument, being registered in the Register of Sasines in manner herein-after directed in regard to Conveyances of Lands, shall have the same Effect as a Conveyance so registered.

Application of Monies so deposited.

LXXVII. Upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands in respect whereof the same shall have been so deposited, or any Part of such Lands, or any Interest in the same, the said Court of Session may, in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or on Heritable Securities, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Party in possession to be deemed to be the Owner.

LXXVIII. If any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession of such Lands, as being

being the Owners thereof, at the Time of such Lands being purchased or taken, shall be deemed to have been lawfully entitled to such Lands, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly. *Application of Compensation.*

LXXIX. In all Cases of Monies deposited in the Bank under the Provisions of this or the special Act, or any Act incorporated therewith, except where such Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to feu or convey the Lands in respect whereof the same shall be payable, or by reason of his Refusal or Inability to discharge or obtain a Discharge of any Burden on such Lands which was not specially excepted from Discharge, or by reason of the Failure or Neglect of any Party to make out a good Title to the Land required, it shall be lawful for the Court of Session to order the Expences of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Promoters of the Undertaking; (that is to say,) the Expence of the Purchase or taking of the Lands, or which shall have been incurred in consequence thereof, other than such Expences as are herein otherwise provided for, and the Expence of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof in the Purchase of other Lands, and of re-entailing any of such Lands, and incident thereto, and also the Expence of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Securities upon which such Monies shall be invested, and for the Payment of the Principal of such Monies, or of the Securities whereon the same shall be invested, and of all Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants: Provided always, that the Expence of One Application only for Re-investment in Land shall be allowed, unless it shall appear to the Court of Session that it is for the Benefit of the Parties interested in the said Monies that the same should be invested in the Purchase of Lands in different Sums and at different Times, in which Case it shall be lawful for the Court, if it think fit, to order the Expences of any such Investments to be paid by the Promoters of the Undertaking. Expences in Cases of Money deposited.

And with respect to the Conveyances of Lands, be it enacted as follows: *Conveyances.*

LXXX. Feus and Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; which Feus and Conveyances, being duly executed, and being registered in the Particular Register of Sasines kept for the County, Burgh, or District in which the Lands are locally situated, or in the General Register of Sasines for *Scotland* kept at *Edinburgh*, within Sixty Days from the last Date thereof, Form of Conveyances.

Conveyances.

which the respective Keepers of the said Registers are hereby authorized and required to do, shall give and constitute a good and undoubted Right and complete and valid feudal Title in all Time coming to the Promoters of the Undertaking, and their Successors and Assigns, to the Premises therein described, any Law or Custom to the contrary notwithstanding: Provided always, that it shall not be necessary for the Promoters of the Undertaking to record in any Register of Sasines any Feus or Conveyances in their Favour which shall contain a Procuratory of Resignation or Precept of Sasine, or which may be completed by Infeftment; and the Title of the Company under such last-mentioned Feus or Conveyances shall be regulated by the ordinary Law of *Scotland*, until the said Feus or Conveyances, or the Instruments of Sasine thereon, shall have been recorded in a Register of Sasines.

Expences of Conveyances.

LXXXI. The Expences of all Conveyances of Lands shall be borne by the Promoters of the Undertaking; and such Expences shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances of any such Lands, and of any Interests therein, and of establishing the Title to such Lands, and all other reasonable Expences incident to the Investigation of such Title.

Taxation of Expences of Conveyances.

LXXXII. If the Promoters of the Undertaking and the Party entitled to any such Expences shall not agree as to the Amount thereof, such Amount shall be ascertained and decerned for by the Lord Ordinary, on a summary Petition presented to him by the Party entitled to recover the same; and the Promoters of the Undertaking shall pay to the Party entitled thereto what the said Lord Ordinary shall decree for or in respect of such Expences, or in default thereof the same may be recovered in the same Way as any other Expences payable under an Order or Decree of the Court, or the same may be recovered by Poinding and Sale in the Manner herein-before provided in other Cases of Expences; and the Expence of taxing such Expences shall be borne by the Promoters of the Undertaking, unless upon such Taxation One Sixth Part of the Amount of such Expences shall be disallowed, in which Case the Expences of such Taxation, and of or incident to the Application to the Lord Ordinary, shall be borne by the Party whose Expences shall be so taxed, and the Amount thereof shall be ascertained by the said Lord Ordinary, and deducted by him accordingly in his Judgment or Decerniture.

Entry on Lands.

And with respect to the Entry upon Lands by the Promoters of the Undertaking, be it enacted as follows:

Payment of Price to be made previous to Entry, except to Survey, &c.

LXXXIII. The Promoters of the Undertaking shall not, except by Consent of the Owners and Occupiers, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes and under the Powers of this or the special Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always,

Entry on Lands.

that for the Purpose merely of surveying and taking Levels of such Lands, and of probing or boring to ascertain the Nature of the Soil, and of setting out the Line of the Works, it shall be lawful for the Promoters of the Undertaking, after giving not less than Three nor more than Fourteen Days Notice to the Owners or Occupiers thereof, to enter upon such Lands without previous Consent, making Compensation for any Damage thereby occasioned to the Owners or Occupiers thereof.

Promoters to be allowed to enter on Lands before Purchase, on making Deposit by way of Security and giving Bond.

LXXXIV. Provided also, That if the Promoters of the Undertaking shall be desirous of entering upon and using any such Lands before an Agreement shall have been come to, or an Award made or Verdict given, for the Purchase Money or Compensation to be paid by them in respect of such Lands, it shall be lawful for the Promoters of the Undertaking to deposit in the Bank by way of Security, as hereinafter mentioned, either the Amount of Purchase Money or Compensation claimed by any Party interested in or entitled to sell and convey such Lands, and who shall not consent to such Entry, or such a Sum as shall by a Valuator, appointed by the Sheriff in the Manner herein-before provided in the Case of Parties who cannot be found, be determined to be the Value of such Lands, or of the Interest therein which such Party is entitled to, or enabled to sell and convey, and also, if required so to do, to give to such Party a Bond, under the Hand of the Secretary or proper Officer or Person authorized, if the Promoters be a Company or Corporation, or if they be not a Company or Corporation under the Hand of the Promoters, or any Two of them if more than One, with Two sufficient Securities, to be approved of by the Sheriff in case the Parties differ, for a Sum equal to the Sum so to be deposited, for Payment to such Party, or for making a Deposit in the Bank for the Benefit of the Parties interested in such Lands, as the Case may require, under the Provisions herein contained, of all such Purchase Money or Compensation as may in manner herein-before provided be determined to be payable by the Promoters of the Undertaking in respect of the Lands so entered upon, together with Interest thereon at the Rate of Five Pounds *per Centum per Annum* from the Time of entering on such Lands until such Purchase Money or Compensation shall be paid to such Party, or deposited in the Bank for the Benefit of the Parties interested in such Lands, under the Provisions herein contained; and upon such Deposit by way of Security being made as aforesaid, and such Bond being delivered or tendered to such non-consenting Party as aforesaid, it shall be lawful for the Promoters of the Undertaking to enter upon and use such Lands, without having first paid or deposited the Purchase Money or Compensation in other Cases required to be paid or deposited by them before entering upon any Lands to be taken by them under the Provisions of this or the special Act.

Deposit to be paid into Bank, and Cashier to give a Receipt.

LXXXV. The Money so to be deposited as last aforesaid shall be paid into the Bank, to be placed to an Account to be opened in the Name of the Parties interested in or entitled to sell and convey the Lands so to be entered upon, and who shall not have consented to such Entry, subject to the Control and Disposition of the Court of Session; and

Entry on Lands.

and upon such Deposit being made the Cashier or other proper Officer of the Bank shall give to the Promoters of the Undertaking, or to the Party paying in such Money by their Direction, a Receipt for such Money, specifying therein for what Purpose and to whose Credit the same shall have been paid in.

Deposit to remain as a Security, and to be applied under the Direction of the Court.

LXXXVI. The Money so deposited as last aforesaid shall remain in the Bank by way of Security to the Parties whose Lands shall so have been entered upon for the Performance of the Bond to be given by the Promoters of the Undertaking, as herein-before mentioned, and the same may, on the Application by Petition of the Promoters of the Undertaking, be ordered to be invested in the Public Funds or upon Heritable Securities, and accumulated; and upon the Conditions of such Bond being fully performed it shall be lawful for the Court of Session, upon a like Application, to order the Money so deposited, or the Funds in which the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Promoters of the Undertaking, or, if such Conditions shall not be fully performed, it shall be lawful for the said Court to order the same to be applied in such Manner as it shall think fit for the Benefit of the Parties for whose Security the same shall so have been deposited.

Penalty on the Promoters of the Undertaking entering upon Lands without Consent, before Payment of the Purchase Money

LXXXVII. If the Promoters of the Undertaking or any of their Contractors shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of the special Act, without such Consent as aforesaid, or without having made such Payment for the Benefit of the Parties interested in the Lands, or such Deposit by way of Security as aforesaid, the Promoters of the Undertaking shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before the Sheriff; and if the Promoters of the Undertaking or their Contractors shall, after Conviction in such Penalty as aforesaid, continue in unlawful Possession of any such Lands, the Promoters of the Undertaking shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with Expences, by Action in any competent Court: Provided always, that nothing herein contained shall be held to subject the Promoters of the Undertaking to the Payment of any such Penalties as aforesaid, if they shall *bonâ fide* and without Collusion have paid the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Promoters of the Undertaking may have reasonably believed to be entitled thereto, or shall have deposited the same in the Bank for the Benefit of the Parties interested in the Lands, or made such Deposit by way of Security in respect thereof as herein-before mentioned, although such Person may not have been legally entitled thereto.

LXXXVIII. On

LXXXVIII. On the Trial of any Action for any such Penalty as aforesaid the Decision of the Sheriff, under the Provision hereinbefore contained, shall not be held conclusive as to the Right of Entry on any such Lands by the Promoters of the Undertaking. Decision of Sheriff not conclusive as to the Right of the Promoters.

LXXXIX. If in any Case in which, according to the Provisions of this or the special Act, or any Act incorporated therewith, the Promoters of the Undertaking are authorized to enter upon and take possession of any Lands required for the Purposes of the Undertaking, the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Promoters of the Undertaking from entering upon or taking possession of the same, it shall be lawful for the Promoters of the Undertaking to apply by Petition to the Sheriff for Possession of the same, and upon such Application the Sheriff may authorize and order Possession of any such Lands accordingly; and the Expences accruing by reason of such Application, to be settled and decerned for by the Sheriff, shall be paid by the Person wrongfully refusing to give or hindering Possession; and the Amount of such Expences shall be deducted and retained by the Promoters of the Undertaking from the Compensation, if any, then payable by them to such Party; or if no such Compensation be payable to such Party, or if the same be less than the Amount of such Expences, then such Expences, or the Excess thereof beyond such Compensation, if not paid on demand, may be levied by Poinding and Sale, and the Sheriff may issue his Warrant accordingly. Proceedings in case of Refusal to deliver Possession of Lands.

XC. And be it enacted, That no Party shall at any Time be required to sell or convey to the Promoters of the Undertaking a Part only of any House or other Building or Manufactory, if such Party be willing and able to sell and convey the whole thereof. Parties not to be required to sell Part of a House.

And with respect to small Portions of intersected Land, be it enacted as follows: *Intersected Lands.*

XCI. If any Lands, not being situate in a Town or built upon, shall be so cut through and divided by the Works as to leave, either on both Sides or on one Side thereof, a less Quantity of Land than Half a Statute Acre, and if the Owner of such small Parcel of Land require the Promoters of the Undertaking to purchase the same along with the other Land required for the Purposes of the special Act, the Promoters of the Undertaking shall purchase the same accordingly, unless the Owner thereof have other Land adjoining to that so left into which the same can be thrown; and if such Owner have any other Land so adjoining, the Promoters of the Undertaking shall, if so required by the Owner, at their own Expence, throw the Piece of Land so left into such adjoining Land, by removing the Fences and levelling the Sites thereof, and by soiling the same in a sufficient and workmanlike Manner. Power to Owners of intersected Lands to insist on Sale.

XCII. If any such Land shall be so cut through and divided as to leave on either Side of the Works a Piece of Land of less Extent than Half a Statute Acre, or of less Value than the Expence of making Power of Promoters of the Undertaking to insist on

Purchase where Expence of Bridges, &c. exceeds the Value.

making a Bridge, Culvert, or such other Communication between the Land so divided as the Promoters of the Undertaking are, under the Provisions of this or the special Act, or any Act incorporated therewith, compellable to make, and if the Owner of such Lands have not other Lands adjoining such Piece of Land, and require the Promoters of the Undertaking to make such Communication, then the Promoters of the Undertaking may require such Owner to sell to them such Piece of Land; and any Dispute as to the Value of such Piece of Land, or as to what would be the Expence of making such Communication, shall be ascertained as herein provided for Cases of disputed Compensation; and on the Occasion of ascertaining the Value of the Land required to be taken for the Purposes of the Works, the Sheriff, or the Jury, or the Arbiters, as the Case may be, shall, if required by either Party, ascertain by their Verdict or Award the Value of any such severed Piece of Land, and also what would be the Expence of making such Communication.

Common Lands.

And with respect to such Lands as shall be of the Nature of Commonty, be it enacted as follows:

Proceedings in regard to Lands in Commonty, &c.

XCIII. The Promoters of the Undertaking may convene a Meeting of the Parties entitled to any Rights of Property or Servitude, or other Rights, in or over such Lands, to be held at some convenient Place in the Neighbourhood of the Lands, for the Purpose of their appointing a Committee to treat with the Promoters of the Undertaking for the Compensation to be paid for the Extinction of such Rights; and every such Meeting shall be called by public Advertisement, to be inserted Once at least in Two consecutive Weeks in some Newspaper circulating in the County or in the respective Counties and in the Neighbourhood in which such Lands shall be situate, the last of such Insertions being not more than Fourteen nor less than Seven Days prior to any such Meeting; and Notice of such Meeting shall also, not less than Seven Days previous to the holding thereof, be affixed upon the Door of the Church of the Parish where such Meeting is intended to be held, or, if there be no such Church, some other Place in the Neighbourhood to which Notices are usually affixed; and if such Lands be Part of a Barony a like Notice shall be given to the Superior or Baron.

Meeting to appoint a Committee.

XCIV. The Meeting so called may appoint a Committee, not exceeding Five in Number, of the Parties entitled to any such Rights; and at such Meeting the Decision of the Majority of the Persons entitled to such Rights present shall bind the Minority and all absent Parties; but such Meeting shall not be effectual for the Purpose unless Five at least of the Parties entitled attend the same, if there be so many as Five in all of the Parties entitled to such Rights.

Committee to agree with Promoters of the Undertaking.

XCV. It shall be lawful for the Committee so chosen to enter into an Agreement with the Promoters of the Undertaking for the Compensation to be paid for the Extinction of such Rights, and all Matters relating thereto, for and on behalf of themselves and all other Parties interested therein, and all such Parties shall be bound

Common Lands.

by such Agreement, and it shall be lawful for such Committee to receive the Compensation so agreed to be paid; and the Receipt of such Committee, or of any Three of them, for such Compensation, shall be an effectual Discharge for the same; and such Compensation, when received, shall be apportioned by the Committee among the several Persons interested therein, according to their respective Interests; but the Promoters of the Undertaking shall not be bound to see to the Apportionment or to the Application of such Compensation, nor shall they be liable for the Misapplication or Nonapplication thereof.

Disputes to be settled as in other Cases.

XCVI. If upon such Committee being appointed they shall fail to agree with the Promoters of the Undertaking as to the Amount of the Compensation to be paid as aforesaid, the same shall be determined as in other Cases of disputed Compensation, the said Committee being deemed and held to be the Proprietors of the said Rights, with reference to all Proceedings for ascertaining the Value thereof.

If no Committee be appointed, the Amount to be determined by a Valuator.

XCVII. If, upon being duly convened by the Promoters of the Undertaking, no effectual Meeting of the Parties entitled to such Rights shall take place, or if, taking place, such Meeting fail to appoint such Committee, the Amount of such Compensation shall be determined by a Valuator, to be appointed by the Sheriff as hereinbefore provided in the Case of Parties who cannot be found.

Upon Payment of Compensation payable to Commoners, the Lands to vest.

XCVIII. Upon Payment or Tender to such Committee, or any Three of them, or if there shall be no such Committee, then upon Deposit in the Bank in the Manner provided in the like Case of the Compensation which shall have been agreed upon or determined in respect of such Rights, and it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Disposition, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them, and thereupon the Lands in respect of which such Compensation shall have been so paid or deposited shall vest in the Promoters of the Undertaking freed and discharged from all such Rights, and they shall be entitled to immediate Possession thereof; and it shall be lawful for the Court of Session, by an Order made upon Petition, to order Payment of the Money so deposited as aforesaid, and to make such other Order in respect thereto, for the Benefit of the Parties interested, as it shall think fit.

Lands in Mortgage.

And with respect to Lands subject to any Security by real Lien, Wadset, Heritable Bond, redeemable Bond of Annuity, or other Right in Security, be it enacted as follows:

Power to redeem Heritable Securities.

XCIX. It shall be lawful for the Promoters of the Undertaking to purchase or redeem the Interest of any Holder of any Security upon such Lands the whole or Part of which may be required for the Purposes of the special Act, and that whether such Promoters shall have previously purchased the Right to such Lands under Burden of the Security thereon or not, and whether the Holder of such Security be entitled thereto in his own Right or in trust for any other Party, and whether he be in possession of such Lands by virtue

of

Lands in Mortgage.

of such Security or not, and whether such Security affect such Lands solely, or jointly with any other Lands not required for the Purposes of the special Act; and in order thereto the Promoters of the Undertaking may pay or tender to the Holder of such Security the Principal and Interest due on such Security, together with his Expences and Charges, if any, and also Six Months additional Interest, and thereupon such Holder shall immediately convey his Interest in the Lands comprised in such Security to the Promoters of the Undertaking, or as they shall direct; or the Promoters of the Undertaking may give Notice in Writing to such Holder that they will pay off the Principal and Interest due on such Security at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Lands under Burden of such Security shall have given Six Months Notice of his Intention to redeem the same, then, at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Promoters of the Undertaking to the Holder of such Security of the Principal Money thereon due, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Expences and Charges, if any, such Holder shall convey or discharge his Interest in the Lands comprised in such Security to the Promoters of the Undertaking, or as they shall direct.

Deposit of Money on Refusal to accept Redemption.

C. If, in either of the Cases aforesaid, upon such Payment or Tender, any Holder of such Securities shall fail to convey or discharge his Interest therein as directed by the Promoters of the Undertaking, or if he fail to adduce a good Title thereto, then it shall be lawful for the Promoters of the Undertaking to deposit in the Bank, in the Manner provided by this Act in like Cases, the Principal and Interest, together with the Expences, if any, due on such Security, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due; and it shall be lawful for them, if they think fit, to expede an Instrument under the Hands of a Notary Public, duly stamped, and to register the same in the Manner herein-before provided in the Case of the Purchase of Lands by them; and thereupon, as well as upon such Conveyance by the Holder of the Security, if any such be made, all the Estate and Interest of such Holder, and of all Persons in trust for him, or for whom he may be a Trustee, in such Lands, shall vest in the Promoters of the Undertaking, and they shall be entitled to immediate Possession thereof in case such Holder were himself entitled to such Possession.

Sum to be paid when Security exceeds Value of Lands.

CI. If any such Lands subject to such Security as aforesaid shall be of less Value than the Principal, Interest, and Expences secured thereon, the Value of such Lands, or the Compensation to be made by the Promoters of the Undertaking in respect thereof, shall be settled by Agreement between the Holder of such Security and the Party claiming or entitled to the Lands under Burden on the one Part, and the Promoters of the Undertaking on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value

Value or Compensation the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Promoters of the Undertaking to the Holder of the Security, in satisfaction of his Claim, so far as the same will extend; and upon Payment or Tender thereof such Holder shall, at the Expence of the Promoters of the Undertaking, dispone and assign his Debt, so far as paid, and his Security, and all his Interest in such Lands, to the Promoters of the Undertaking, or as they shall direct, and thereupon the Party claiming or entitled to the said Lands under Burden of the Security shall cease to be interested in or have any Right thereto, or to any Part thereof. *Lands in Mortgage.*

CII. If upon such Payment or Tender as aforesaid being made any Holder of such Security fail so to convey his Interest therein, or to adduce a good Title thereto to the Promoters of the Undertaking, it shall be lawful for them to deposit the Amount of such Value or Compensation in the Bank in the Manner provided by this Act in like Cases; and every such Payment or Deposit shall be accepted by the Holder of the Security in satisfaction of his Claim, so far as the same will extend, and shall be a full Discharge of the Lands from all Money due thereon; and it shall be lawful for the Promoters of the Undertaking to expede an Instrument under the Hands of a Notary Public, duly stamped, and to register the same in the Manner hereinbefore provided in the Case of the Purchase of Lands by them; and thereupon such Lands, as to all such Right and Interest as were then vested in the Holder of the Security, or any Person in trust for him, or in the Party claiming or entitled to the Lands under Burden of the Security, shall become absolutely vested in the Promoters of the Undertaking, and they shall be entitled to immediate Possession thereof; nevertheless, all Rights and Remedies possessed by the Holder of such Security for recovering Payment of his Debt, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively, and all Expences, shall remain in force as a Claim against the Grantor of such Security, and against all other Parties bound for the same, but not as a Claim on the said Lands, or against the Promoters of the Undertaking. Deposit of Money when refused on Tender.

CIII. If a Part only of any such Lands subject to any Security as aforesaid be required for the Purposes of the special Act, and if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Holder of the Security shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to discharge the Part so required, and if the Promoters of the Undertaking be unwilling to advance the Debt on an Assignment thereto, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof, or otherwise, shall be settled by Agreement between the Holder of the Security and the Party entitled to the Land under Burden of the Security on the one Part, and the Promoters of the Undertaking on the other; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Sum to be paid where Part only of Lands under Security taken.

Lands in Mortgage.

Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Promoters of the Undertaking to the Holder of the Security, in satisfaction of his Debt, so far as the same will extend, and thereupon such Holder shall convey or discharge to them, or as they shall direct, all his Interest in such Lands the Value whereof shall have been so paid, and the Party claiming or entitled to the said Lands under Burden of the Security shall cease to be interested in or have any Right thereto or to any Part thereof; and a Memorandum of what shall have been so paid shall be endorsed on the Deed or Instrument creating such Security, and shall be signed by the Holder thereof; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Promoters of the Undertaking, at their Expence, to the Party entitled to the Lands under Burden of the Security.

Deposit of Money when refused on Tender.

CIV. If upon Payment or Tender to any Holder of such Security of the Amount of the Value or Compensation so agreed upon or determined such Holder shall fail to convey or discharge to the Promoters of the Undertaking, or as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto, it shall be lawful for the Promoters of the Undertaking to pay the Amount of such Value or Compensation into the Bank in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and such Payment or Deposit shall be accepted by the Holder of such Security in satisfaction of his Claim, so far as the same will extend, and shall be a full Discharge of the Portion of the Lands so required from all Money due thereon, and shall bar the Claim of the Party claiming or entitled to the said Lands under Burden of the Security; and it shall be lawful for the Promoters of the Undertaking, if they think fit, to expede an Instrument under the Hands of a Notary Public, duly stamped, and to register the same in the Manner herein-before provided in the Case of the Purchase of Lands by them, and thereupon such Lands shall become absolutely vested in the Promoters of the Undertaking, as to all such Right and Interest as were then vested in the Holder of such Security, or any Person in trust for him, and in case such Holder were himself entitled to such Possession they shall be entitled to immediate Possession thereof; nevertheless, every such Holder shall have the same Powers and Remedies for recovering or compelling Payment of his Claim, or the Residue thereof, (as the Case may be,) and the Interest thereof respectively, upon and out of the Residue of the Lands subject to such Security, or the Portion thereof not required for the Purposes of the special Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Security.

If Sums secured paid off before the stipulated Time,

CV. Provided always, That in any of the Cases herein-before provided with respect to Lands subject to Securities, if in the Deed or Instrument creating the same a Time shall have been limited within which the Holder of the Security shall not be obliged to receive Payment

ment of the Principal Money thereby secured, and under the Provisions herein-before contained the Holder of the Security shall have been required to accept Payment of his Claim, or of Part thereof, at a Time earlier than the Time so limited, the Promoters of the Undertaking shall pay to the Holders of the Security, in addition to the Sum which shall have been so paid off, all such Expences as shall be incurred by him in respect of or which shall be incidental to the Re-investment of the Sum so paid off; such Expences, in case of Difference, to be taxed, and Payment thereof enforced, in the Manner herein provided with respect to the Expences of Conveyances. Promoters to pay Expences incidental to Re-investment.

CVI. If the Rate of Interest secured by such Deed be higher than at the Time of the same being so paid off can reasonably be expected to be obtained on re-investing the same, regard being had to the then current Rate of Interest, the Holder of such Security shall be entitled to receive from the Promoters of the Undertaking, in addition to the Principal and Interest herein-before provided for, Compensation in respect of the Loss to be sustained by him by reason of his Claim being so prematurely paid off, the Amount of such Compensation to be ascertained, in case of Difference, as in other Cases of disputed Compensation; and until Payment or Tender of such Compensation as aforesaid the Promoters of the Undertaking shall not be entitled, as against such Holder, to Possession of the Lands under the Provision herein-before contained. Compensation in respect of Loss of Interest.

Lands subject to Rent-charges.

And with respect to any Lands which shall be charged with any Feu Duty, Ground Annual, Casualty of Superiority, or any Rent or other annual or recurring Payment or Incumbrance not herein-before provided for, be it enacted as follows:

CVII. It shall be lawful for the Promoters of the Undertaking to enter upon and continue in possession of such Lands, without redeeming the Charges thereon, provided they pay the Amount of such annual or recurring Payment when due, and otherwise fulfil all Obligations accordingly, and provided they shall not be called upon by the Party entitled to the Charge to redeem the same. Company to continue the Payment of Feu Duties, &c.

CVIII. If any Difference shall arise between the Promoters of the Undertaking and the Party entitled to any such Charge upon any Lands required to be taken for the Purposes of the special Act, respecting the Consideration to be paid for the Discharge of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of the special Act, the same shall be determined as in other Cases of disputed Compensation. Discharge of Lands from such Charge.

CIX. If Part only of the Lands charged with any such Feu Duty, Ground Annual, Casualty of Superiority, or any Rent, Payment, or Incumbrance, be required to be taken for the Purposes of the special Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands on the one Part, and the Promoters of the Undertaking Discharge of Part of Lands from Charge.

Lands subject to Rent-charges.

Undertaking on the other Part, and if such Apportionment be not so settled by Agreement the same shall be settled by the Sheriff; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Lands so jointly subject, it shall be lawful for the Party entitled to such Charge to discharge therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof.

Deposit in case of Refusal to discharge.

CX. Upon Payment or Tender of the Compensation so agreed upon or determined to the Party entitled to any such Charge as aforesaid, such Party shall execute to the Promoters of the Undertaking a Discharge thereof; and if he fail so to do, or if he fail to adduce a good Title to such Charge, it shall be lawful for them to deposit the Amount of such Compensation in the Bank in the Manner herein-before provided in like Cases; and also, if they think fit, to expede an Instrument under the Hands of a Notary Public, duly stamped, and to register the same in the Manner herein-before provided in the Case of the Purchase of Lands by them; and thereupon the Feu Duty, Ground Annual, Casualty of Superiority, Rent, Payment, or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on Lands not taken.

CXI. If any such Lands be so discharged from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, as the Case may be, and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands, for the whole or for the Remainder of the Charge, as the Case may be, as he had previously over the whole of the Lands subject to such Charge; and upon any such Charge or Portion of Charge being so discharged the Promoters of the Undertaking, if required so to do, shall execute and grant in due Form a probative Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of the special Act, and if the Lands be discharged from Part of such Charge, what Proportion of such Charge shall have been discharged, and how much thereof continues payable, or if the Lands so required shall have been discharged from the whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Deed or Instrument shall be made and executed at the Expence of the Promoters of the Undertaking, and shall be competent Evidence in all Courts and elsewhere of the Facts therein stated.

Lands subject to Leases.

And with respect to Lands subject to Leases, be it enacted as follows:

Where Part only of Lands under Lease taken, the

CXII. If any Lands shall be comprised in a Lease or Missive of Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of the special Act, the Rent payable

payable in respect of the Lands comprised in such Lease or Missive of Lease shall be apportioned between the Lands so required and the Residue of such Lands, and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the Promoters of the Undertaking on the other Part, and if such Apportionment be not so settled by Agreement between the Parties such Apportionment shall be settled by the Sheriff; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of the special Act; and as to the Lands not so required, and as against the Lessee, the Lessor shall have all the same Rights and Remedies for the Recovery of such Portion of Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease or Missive of Lease; and all the Obligations, Conditions, and Agreements of such Lease or Missive of Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of the special Act, in the same Manner as they would have been in case such Part only of the Land had been included in the Lease or Missive of Lease.

Rent to be apportioned.

CXIII. Every such Lessee as last aforesaid shall be entitled to receive from the Promoters of the Undertaking Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of the Works.

Tenants to be compensated.

CXIV. If any such Lands shall be in the Possession of any Person having no greater Interest therein than as Tenant for a Year or from Year to Year, and if such Person be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, and for any just Allowance which ought to be made to him by any in coming Tenant, and for any Loss or Injury he may sustain, or if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by the severing of the Lands held by him, or otherwise injuriously affecting the same, and the Amount of such Compensation shall be determined by the Sheriff, in case the Parties differ about the same; and upon Payment or Tender of the Amount of such Compensation all such Persons shall respectively deliver up to the Promoters of the Undertaking, or to the Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of the special Act.

Compensation to be made to Tenants for a Year, &c.

CXV. If any Party, having a greater Interest than as Tenant for a Year or from Year to Year, claim Compensation in respect of any unexpired Term or Interest under any Lease, Missive of Lease, or Grant of any such Lands, the Promoters of the Undertaking may require such Party to produce the Lease, Missive of Lease, or Grant in respect of which such Claim shall be made, or other legal Evidence thereof in his Power; and if, after Demand made in Writing by the Promoters

Where greater Interest claimed than from Year to Year the Lease or Missive to be produced.

Lands subject to Leases.

Promoters of the Undertaking, such Lease, Missive of Lease, or Grant, or other legal Evidence thereof, be not produced within Twenty-one Days, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Limit of Time for compulsory Purchase.

CXVI. And be it enacted, That the Powers of the Promoters of the Undertaking for the compulsory Purchase or taking of Lands for the Purposes of the special Act shall not be exercised after the Expiration of the prescribed Period, and if no Period be prescribed not after the Expiration of Three Years from the passing of the special Act.

Interests omitted to be purchased.

And with respect to Interest in Lands which have by Mistake been omitted to be purchased, be it enacted as follows:

Promoters of the Undertaking empowered to purchase Interests in Lands the Purchase whereof may have been omitted by Mistake.

CXVII. If at any Time after the Promoters of the Undertaking shall have entered upon any Lands which under the Provisions of this or the special Act, or any Act incorporated therewith, they were authorized to purchase, and which shall be permanently required for the Purposes of the special Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which the Promoters of the Undertaking shall through Mistake or Inadvertency have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period allowed for the Purchase of Lands shall have expired or not, the Promoters of the Undertaking shall remain in the undisturbed Possession of such Lands, provided, within Six Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Promoters of the Undertaking, or in case the same shall be disputed, then within Six Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Promoters of the Undertaking shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Promoters of the Undertaking thereon and the Time of the Payment of such Purchase Money or Compensation by the Promoters of the Undertaking, so far as such Profits or Interest may be recoverable in Law; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Promoters of the Undertaking had purchased such Estate, Right, Interest, or Charge before their entering upon such Land, or as near thereto as Circumstances will admit.

How Value of such Lands to be estimated.

CXVIII. In estimating the Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any Profits thereof, the Jury, or Arbiters, or Sheriff, as the Case may be, shall assess the same according to what they shall find to have been the Value of such Lands, Estate, or Interest, and Profits, at the Time such Lands were entered upon by the Promoters of the Undertaking,

taking, and without regard to any Improvements or Works made in the said Lands by the Promoters of the Undertaking, and as though the Works had not been constructed.

Interests omitted to be purchased.

CXIX. In addition to the said Purchase Money, Compensation, or Satisfaction, and before the Promoters of the Undertaking shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall have been disputed by the Company, and determined in favour of the Party claiming the same, pay the full Expences of any Proceedings at Law or in Equity for the Determination or Recovery of the same to the Parties with whom any such Litigation in respect thereof shall have taken place; and such Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Promoters of the Undertaking to pay the Expences of Litigation as to such Lands.

And with respect to Lands acquired by the Promoters of the Undertaking, under the Provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof, be it enacted as follows:

Sale of superfluous Lands.

CXX. Within the prescribed Period, or if no Period be prescribed within Ten Years after the Expiration of the Time limited by the special Act for the Completion of the Works, the Promoters of the Undertaking shall absolutely sell and dispose of all such superfluous Lands in such Manner as they may deem most advantageous, and apply the Purchase Money arising from such Sales to the Purposes of the special Act, and in default thereof all such superfluous Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto in proportion to the Extent of their Lands respectively adjoining the same.

Lands not wanted to be sold, or in default to vest in Owners of adjoining Lands.

CXXI. Before the Promoters of the Undertaking dispose of any such superfluous Lands they shall, unless such Lands be situate within a Town, or be Lands built upon, or be used for building Purposes, first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot, after diligent Inquiry, be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession, one after another, in such Order as the Promoters of the Undertaking shall think fit.

Lands to be offered to Owner of Lands from which they were severed, or to adjoining Owners.

CXXII. If any such Persons be desirous of purchasing such Lands, then, within Six Weeks after such Offer of Sale, they shall signify their Desire in that Behalf to the Promoters of the Undertaking; or if

Right of Pre-emption to be claimed within Six Weeks.

Sale of superfluous Lands.

if they decline such Offer, or if for Six Weeks they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting, in respect of the Lands included in such Offer, shall cease; and a Declaration in Writing, made before the Sheriff by some Person not interested in the Matter in question, stating that such Offer was made, and was refused, or not accepted within Six Weeks from the Time of making the same, or that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not, after diligent Inquiry, be found, or were not capable of entering into a Contract for the Purchase of such Lands, shall in all Courts be sufficient Evidence of the Facts therein stated.

Differences as to Price to be settled by Arbitration.

CXXIII. If any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Promoters of the Undertaking do not agree as to the Price thereof, then such Price shall be ascertained by Arbitration, and the Expences of such Arbitration shall be in the Discretion of the Arbiters.

Lands to be conveyed to the Purchasers.

CXXIV. Upon Payment or Tender to the Promoters of the Undertaking of the Purchase Money so agreed upon or determined as aforesaid they shall convey such Lands to the Purchasers thereof by Deed, under the Common Seal of the Promoters of the Undertaking, if they be a Corporation, or if not a Corporation under the Hands of the Promoters of the Undertaking or any Two of the Directors or Managers thereof acting by the Authority of the Body; and a Deed so executed shall be effectual to vest the Lands comprised therein in the Purchaser of such Lands for the Estate which shall so have been purchased by him, and a Receipt under such Common Seal, or under the Hands of Two of the Directors or Managers of the Undertaking, as aforesaid, shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received.

Effect of Word "dispone" in Conveyances.

CXXV. And be it enacted, That in every Conveyance of Lands to be made by the Promoters of the Undertaking under this or the special Act the Word "dispone" shall operate as a Clause of absolute Warrandice by the Promoters of the Undertaking, for themselves and their Successors, or for themselves, their Heirs, Executors, Administrators, and Assigns, as the Case may be, to the respective Disponees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Disponees, according to the Quality or Nature of such Conveyances, and of the Estate or Interest therein expressed to be thereby conveyed, except so far as the same shall be restrained or limited by express Words contained in such Conveyance.

Superiorities not to be affected.

CXXVI. And be it enacted, That the Rights and Titles to be granted in manner herein mentioned in and to any Lands taken and used for the Purposes of this Act shall, unless otherwise specially provided for, in nowise affect or diminish the Right of Superiority in the same, which shall remain entire in the Person granting such Rights and Titles; but in the event of the Lands so used or taken

taken being a Part or Portion of other Lands held by the same Owner under the same Titles, the said Company shall not be liable for any Feu Duties or Casualties to the Superiors thereof, nor shall the said Company be bound to enter with the said Superiors: Provided always, that before entering into possession of any Lands full Compensation shall be made to the said Superiors for all Loss which they may sustain by being deprived of any Casualties, or otherwise by reason of any Procedure under this Act. *Sale of superfluous Lands.*

CXXVII. And be it enacted, That if the Promoters of the Undertaking become possessed, by virtue of this or the special Act, or any Act incorporated therewith, of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate or Prison Assessment, they shall from Time to Time, until the Works shall be completed and assessed to such Land Tax and Poor's Rate and Prison Assessment, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate and Prison Assessment by reason of such Lands having been taken or used for the Purposes of the Work; and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of the special Act; and on Demand of such Deficiency the Promoters of the Undertaking or their Treasurer shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Promoters of the Undertaking think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax. Land Tax and Poor's Rate to be made good.

And with respect to the giving of Notices, be it enacted as follows: *Notices.*

CXXVIII. Any Summons or Notice, or any Writ or other Proceeding at Law or Equity required to be served upon the Promoters of the Undertaking, may be served by the same being left at or transmitted through the Post, directed to the principal Office of the Promoters of the Undertaking, or One of the principal Offices where there shall be more than One, or being given personally, or transmitted through the Post, directed to the Secretary, or in case there be no Secretary then by being given to the Solicitor of the said Promoters. Service of Notices upon the Promoters of the Undertaking.

CXXIX. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if, before Action brought in respect thereof, such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defender, by Leave of the Court where such Action shall be pending, at any Time before the Record is closed to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defenders are allowed to pay Money into Court. Tender of Amends.

Recovery of Penalties.

And with respect to the Recovery of Forfeitures, Penalties, and Expences, be it enacted as follows:

Penalties to be summarily recovered before the Sheriff or Two Justices.

CXXX. Every Penalty or Forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before the Sheriff or Two Justices; and on Complaint being made to any Sheriff or Justice he shall issue an Order requiring the Party complained against to appear before himself, if the Order be issued by a Sheriff, or before Two or more Justices, if the Order be issued by a Justice, at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the due Service of such Order, it shall be lawful for any Sheriff or Two Justices to proceed to the hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Sheriff or Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Expences attending the Conviction as such Sheriff or Justices shall think fit.

Penalties to be levied by Poinding and Sale.

CXXXI. If forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Expences as aforesaid, be not paid, the Amount of such Penalty and Expences may be levied by Poinding and Sale, and such Sheriff or Justices shall issue his or their Warrant of Poinding and Sale accordingly.

Poinding, &c. against the Treasurer.

CXXXII. If any such Sum shall be payable by the Promoters of the Undertaking, and if sufficient Goods of the said Promoters cannot be found whereon to levy the same, it may, if the Amount thereof do not exceed Twenty Pounds, be recovered by Poinding and Sale of the Goods of the Treasurer of the said Promoters, and the Sheriff, no Application, shall issue his Warrant accordingly; but no such Poinding and Sale shall be executed against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence; and if such Treasurer pay any Money under such Poinding and Sale as aforesaid he may retain the Amount so paid by him, and all Expences occasioned thereby, out of any Money belonging to the Promoters of the Undertaking coming into his Custody or Control, or he may sue the Promoters of the Undertaking for the same.

Poinding, &c. how to be levied.

CXXXIII. Where in this or the special Act, or any Act incorporated therewith, any Sum of Money, whether in the Nature of Penalty, Expences, or otherwise, is directed to be levied by Poinding and Sale, such Sum of Money shall be levied by Poinding and Sale of the Goods and Effects of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and Effects, after satisfying

satisfying such Sum of Money, and the Expences of the Poinding and Sale, shall be returned, on demand, to the Party whose Goods shall have been seized. *Recovery of Penalties.*

CXXXIV. No Poinding and Sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser or Wrong-doer, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, or other Proceeding relating thereto, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action before the Sheriff Court. Poinding not unlawful for Want of Form.

CXXXV. The Sheriff or Justices by whom any such Penalty or Forfeiture shall be imposed, where the Application thereof is not otherwise provided for, may award not more than One Half thereof to the Informer, and shall award the Remainder to the Kirk Session, or Treasurer or Collector of the Funds for the Poor, of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish. Application of Penalties.

CXXXVI. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any Offence made cognizable before the Sheriff or Justices, unless the Complaint respecting such Offence shall have been made before such Sheriff or some Justice within Six Months next after the Commission of such Offence. Penalties to be sued for within Six Months.

CXXXVII. The Sheriff or Justice or Justices before whom any Person shall be convicted of any Offence against this or the special Act, or any Act incorporated therewith, may cause the Conviction to be drawn up according to the Form in the Schedule (C.) to this Act annexed. Form of Conviction.

CXXXVIII. No Proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for Want of Form, nor shall the same be removed by Suspension or otherwise into any Superior Court. Proceedings not to be quashed for Want of Form, &c.

CXXXIX. In all Cases which may come before any Sheriff Substitute under this or the special Act, or any Act incorporated therewith, in which written Pleadings shall have been allowed, and a written Record shall have been made up, and where the Evidence which has been led by the Parties shall have been reduced to Writing, but in no other Case whatever, it shall be competent for any of the Parties thereto, within Seven Days after a final Judgment shall have been pronounced by such Sheriff Substitute, to appeal against the same to the Sheriff of the County, by lodging a Minute of Appeal with the Sheriff Clerk of such County or his Depute; and the said Sheriff shall thereupon review the Proceedings of the said Sheriff Substitute, and whole Process, and, if he think proper, hear the Parties *vivâ voce* thereon, and pronounce Judgment; and such Judgment shall Power of Appeal from Sheriff Substitute to Sheriff.

Recovery of Penalties.

shall in no Case be subject to Review by Suspension or Advocation, or by Reduction, on any Ground whatever.

Parties allowed to appeal from Justices to Quarter Sessions, on giving Security.

CXL. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice or Two or more Justices, with respect to any Penalty or Forfeiture under the Provisions of this or the special Act, or any Act incorporated therewith, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CXLI. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Expences, both of the Adjudication and of the Appeal, as they may think reasonable.

Access to special Act.

And with respect to the Provision to be made for affording Access to the special Act by all Parties interested, be it enacted as follows:

Copies of special Act to be kept and deposited, and allowed to be inspected.

CXLII. The Company shall at all Times, after the Expiration of Six Months after the passing of the special Act, keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them; and where the Undertaking shall be a Railway, Canal, or other like Undertaking, the Works of which shall not be confined to One County, shall also within the Space of such Six Months deposit in the Office of each of the Sheriff Clerks of the several Counties into which the Works shall extend a Copy of such special Act, so printed as aforesaid; and the said Sheriff Clerks shall receive, and they and the Company respectively shall retain, the said Copies of the special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

CXLIII. If

CXLIII. If the Company shall fail to keep or deposit, as hereinbefore mentioned, any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited. Penalty on Company failing to keep and deposit Act.

CXLIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended this Session.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Conveyance.

I of in consideration of the Sum of paid to me [*or, as the Case may be,* into the Bank (*or* to *A.B.* of and *C.D.* of Two Trustees appointed to receive the same)], pursuant to an Act passed, *&c.*, intituled, *&c.*, by the [*here name the Company*], incorporated by the said Act, do hereby sell, alienate, dispone, convey, assign, and make over from me, my Heirs and Successors, to the said Company, their Successors and Assignees, for ever, according to the true Intent and Meaning of the said Act, all [*describing the Premises to be conveyed*], together with all Rights and Pertinents thereto belonging, and all such Right, Title, and Interest in and to the same as I and my foresaids are or shall become possessed of, or are by the said Act empowered to convey. [*Here insert the Conditions (if any) of the Conveyance, and a Registration Clause for Preservation and Diligence, and a Testing Clause, according to the Form of the Law of Scotland.*]

SCHEDULE (B.)

Form of Conveyance in consideration of Feu Duty or Rent-charge.

I of in consideration of the Feu Duty or Rent to be paid to me, my Heirs and Assigns, as hereinafter mentioned, by the [*here name the Company*], established and incorporated by virtue of an Act passed, *&c.*, intituled, *&c.*, do hereby dispone, convey, and make over from me, my Heirs and Successors, to the said Company, their Successors and Assignees, for ever, according to the true Intent and Meaning of the said Act, all [*describing the Premises to be conveyed*], together with all Rights and Pertinents thereunto belonging, and all my Right, Title, and Interest in and to the same and every Part thereof, they the said Company, their Successors and Assignees, yielding and paying unto me, my Heirs and Assignees, One clear annual Feu Duty or Rent of by equal half-yearly Portions henceforth on the [*stating the Days. Here insert Conditions of the Conveyance (if any,)*

any), and insert a Registration Clause for Preservation and Diligence, and a Testing Clause, according to the Form of the Law of Scotland].

SCHEDULE (C.)

Form of Conviction before

to wit.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C.*, the Sheriff [*or* before us *D.*, *E.*, Two of Her Majesty's Justices of the Peace] for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under my Hand [*or* under our Hands], the Day and Year first above written.

C.
D.
E.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. XX.

An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways. [8th *May* 1845.]

WHEREAS it is expedient to comprise in One general Act sundry Provisions usually introduced into Acts of Parliament authorizing the Construction of Railways, and that, as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings, as for ensuring greater Uniformity in the Provisions themselves: And whereas a Bill is now pending in Parliament, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature*, and which is intended to be called "The Lands Clauses Consolidation Act, 1845:" May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall apply to every Railway which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the Clauses and Provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall

Operation of this Act confined to future Railways.

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be applicable to such Undertaking, and shall, as well as the Clauses and Provisions of every other Act which shall be incorporated with such Act, form Part of such Act, and be construed together therewith as forming One Act.

Interpretations in this Act:

And with respect to the Construction of this Act and of other Acts to be incorporated therewith, be it enacted as follows:

"special Act:"

"prescribed:"

"the Lands:"

"the Undertaking."

II. The Expression "the special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed authorizing the Construction of a Railway, and with which this Act shall be so incorporated as aforesaid; and the Word "prescribed," used in this Act in reference to any Matter herein stated, shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act; and the Sentence in which such Word shall occur shall be construed as if, instead of the Word "prescribed," the Expression "prescribed for that Purpose in the special Act" had been used; and the Expression "the Lands" shall mean the Lands which shall by the special Act be authorized to be taken or used for the Purposes thereof; and the Expression "the Undertaking" shall mean the Railway and Works, of whatever Description, by the special Act authorized to be executed.

Interpretations in this and the special Act:

III. The following Words and Expressions, both in this and the special Act, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Number: Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include also the Singular Number:

Gender: Words importing the Masculine Gender only shall include Females:

"Lands:" The Word "Lands" shall include Messuages, Lands, Tenements, and Hereditaments of any Tenure:

"Lease:" The Word "Lease" shall include an Agreement for a Lease;

"Toll:" The Word "Toll" shall include any Rate or Charge or other Payment payable under the special Act for any Passenger, Animal, Carriage, Goods, Merchandize, Articles, Matters, or Things conveyed on the Railway:

"Goods:" The Word "Goods" shall include Things of every Kind conveyed upon the Railway:

"Month:" The Word "Month" shall mean Calendar Month:

"Superior Courts:" The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster* or *Dublin*, as the Case may require:

"Oath:" The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath:

"County:" The Word "County" shall include any Riding or other like Division of a County, and shall also include County of a City or County of a Town:

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The Word "Sheriff" shall include Under Sheriff or other legally competent Deputy; and where any Matter in relation to any Lands is required to be done by any Sheriff or Clerk of the Peace, the Expression "the Sheriff," or the Expression "the Clerk of the Peace," shall in such Case be construed to mean the Sheriff or the Clerk of the Peace of the County, City, Borough, Liberty, Cinque Port, or Place where such Lands shall be situate; and if the Lands in question, being the Property of one and the same Party, be situate not wholly in one County, City, Borough, Liberty, Cinque Port, or Place, the same Expression shall be construed to mean the Sheriff or Clerk of the Peace of any County, City, Borough, Liberty, Cinque Port, or Place where any Part of such Lands shall be situate: "the Sheriff:" "the Clerk of the Peace:"

The Word "Justice" shall mean Justice of the Peace acting for the County, City, Borough, Liberty, Cinque Port, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where such Matter shall arise in respect of Lands, being the Property of one and the same Party, situate not wholly in any one County, City, Borough, Liberty, Cinque Port, or Place, shall mean a Justice acting for the County, City, Borough, Liberty, Cinque Port, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter; and where any Matter shall be authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two Justices assembled and acting together: "Justice:" "Two Justices:"

Where under the Provisions of this or the special Act any Notice shall be required to be given to the Owner of any Lands, or where any Act shall be authorized or required to be done with the Consent of any such Owner, the Word "Owner" shall be understood to mean any Person or Corporation who, under the Provisions of this or the special Act, or any Act incorporated therewith, would be enabled to sell and convey Lands to the Company: "Owner:"

The Expression "the Company" shall mean the Company or Party which shall be authorized by the special Act to construct the Railway: "the Company:"

The Expression "the Railway" shall mean the Railway and Works by the special Act authorized to be constructed: "the Railway:"

The Expression "the Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations: "Board of Trade:"

The Expression "the Bank" shall mean the Bank of *England*, where the same shall relate to Monies to be paid or deposited in respect of Lands situate in *England*; and shall mean the Bank of *Ireland* where the same shall relate to Monies to be paid or deposited in respect of Lands situate in *Ireland*: "the Bank:"

The Expression "Turnpike Road" shall, when applied to any Road in *Ireland*, include any Road upon which Her Majesty's Mails are or shall be carried in Mail Carriages; or such other Roads as the Commissioners of Public Works in *Ireland* shall consider to require Arches of greater Width or Height than by this Act is required for public Carriage Roads: "Turnpike Road," Ireland:

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"Surveyor," Ireland: The Expression "Surveyor," applied to a Road or Highway, shall, as to Railways in *Ireland*, include the County Surveyor:

"Overseers of the Poor," Ireland. The Expression "Overseers of the Poor," when applied to *Ireland*, shall include the Poor Law Guardians of the Electoral Division and the Clerk of the Guardians of the Union through which such Railway may pass.

Short Title of the Act. IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Railways Clauses Consolidation Act, 1845."

Form in which Portions of this Act may be incorporated in other Acts. V. And whereas it may be convenient, in some Cases, to incorporate with Acts hereafter to be passed some Portion only of the Provisions of this Act; be it therefore enacted, That, for the Purpose of making any such Incorporation, it shall be sufficient in any such Act to enact that the Clauses of this Act with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act, in the Words introductory to the Enactment with respect to such Matter,) shall be incorporated with such Act, and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate.

Construction of Railway. And with respect to the Construction of the Railway and the Works connected therewith, be it enacted as follows:

The Construction of the Railway to be subject to the Provisions of this Act and the Lands Clauses Consolidation Act. VI. In exercising the Power given to the Company by the special Act to construct the Railway, and to take Lands for that Purpose, the Company shall be subject to the Provisions and Restrictions contained in this Act and in the said Lands Clauses Consolidation Act; and the Company shall make to the Owners and Occupiers of and all other Parties interested in any Lands taken or used for the Purposes of the Railway, or injuriously affected by the Construction thereof, full Compensation for the Value of the Lands so taken or used, and for all Damage sustained by such Owners, Occupiers, and other Parties, by reason of the Exercise, as regards such Lands, of the Powers by this or the special Act, or any Act incorporated therewith, vested in the Company; and, except where otherwise provided by this or the special Act, the Amount of such Compensation shall be ascertained and determined in the Manner provided by the said Lands Clauses Consolidation Act for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof; and all the Provisions of the said last-mentioned Act shall be applicable to determining the Amount of any such Compensation, and to enforcing the Payment or other Satisfaction thereof.

Errors and Omissions in Plans to be corrected. VII. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the Plans or Books of Reference mentioned in the special Act, or in the Schedule to

the special Act, it shall be lawful for the Company, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerks of the Peace of the several Counties in which the Lands affected thereby shall be situate, and shall also be deposited with the Parish Clerks of the several Parishes in *England*, and with the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*, in which the Lands affected thereby shall be situate; and such Certificate shall be kept by such Clerks of the Peace, Parish Clerks, and Postmasters respectively along with the other Documents to which they relate; and thereupon such Plan, Book of Reference, or Schedule shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Construction of Railway.

VIII. It shall not be lawful for the Company to proceed in the Execution of the Railway unless they shall have previously to the Commencement of such Work deposited with the Clerks of the Peace of the several Counties in or through which the Railway is intended to pass a Plan and Section of all such Alterations from the original Plan and Section as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section of the Railway, and shall also have deposited with the Clerks of the several Parishes in *England*, and the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*, in or through which such Alterations shall have been authorized to be made, Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively.

Works not to be proceeded with until Plans of all Alterations authorized by Parliament have been deposited.

IX. The said Clerks of the Peace, Parish Clerks, and Postmasters shall receive the said Plans and Sections of Alterations, and Copies and Extracts thereof respectively, and shall retain the same, as well as the said original Plans and Sections, and shall permit all Persons interested to inspect any of the Documents aforesaid, and to make Copies and Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of the original Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

Clerks of the Peace, &c. to receive Plans of Alterations, and allow Inspection.

7 W. 4. & 1 Vict. c. 83.

X. True Copies of the said Plans and Books of Reference, or of any Alteration or Correction thereof, or Extract therefrom, certified by any such Clerk of the Peace, which Certificate such Clerk of the Peace shall give to all Parties interested, when required, shall be

Copies of Plans, &c. to be Evidence.

Construction of Railway.

received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Limiting Deviation from Datum Line described on Sections, &c.

XI. In making the Railway it shall not be lawful for the Company to deviate from the Levels of the Railway, as referred to the common Datum Line described in the Section approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or, in passing through a Town, Village, Street, or Land continuously built upon, Two Feet, without the previous Consent in Writing of the Owners and Occupiers of the Land in which such Deviation is intended to be made; or in case any Street or public Highway shall be affected by such Deviation, then the same shall not be made without the like Consent of the Trustees or Commissioners having the Control of such Street or public Highway, or, if there be no such Trustees or Commissioners, without the like Consent of Two or more Justices of the Peace in Petty Sessions assembled for that Purpose, and acting for the District in which such Street or public Highway may be situated, or without the like Consent of the Commissioners for any public Sewers, or the Proprietors of any Canal, Navigation, Gas Works, or Waterworks affected by such Deviation:

Proviso.

Provided always, that it shall be lawful for the Company to deviate from the said Levels to a further Extent without such Consent as aforesaid, by lowering solid Embankments or Viaducts, provided that the requisite Height of Headway as prescribed by Act of Parliament

Proviso.

be left for Roads, Streets, or Canals passing under the same: Provided also, that Notice of every Petty Sessions to be holden for the Purpose of obtaining such Consent of Two Justices as is herein-before required shall, Fourteen Days previous to the holding of such Petty Sessions, be given in some Newspaper circulating in the County, and also be affixed upon the Door of the Parish Church in which such Deviation or Alteration is intended to be made, or, if there be no Church, some other Place to which Notices are usually affixed.

Public Notice to be given previous to making greater Deviations.

XII. Before it shall be lawful for the Company to make any greater Deviation from the Level than Five Feet, or, in any Town, Village, Street, or Land continuously built upon, Two Feet, after having obtained such Consent as aforesaid, it shall be incumbent on the Company to give Notice of such intended Deviation by public Advertisement, inserted Once at least in Two Newspapers, or Twice at least in One Newspaper, circulating in the District or Neighbourhood where such Deviation is intended to be made, Three Weeks at least before commencing to make such Deviation; and it shall be lawful for the Owner of any Lands prejudicially affected thereby, at any Time before the Commencement of the making of such Deviation, to apply to the Board of Trade, after giving Ten Days Notice to the Company, to decide whether, having regard to the Interests of such Applicants, such proposed Deviation is proper to be made; and it shall be lawful for the Board of Trade, if they think fit, to decide such Question accordingly, and by their Certificate in Writing either to disallow the making of such Deviation or to authorize the making thereof, either simply or with any such Modification as shall seem proper to the Board of Trade; and after any such Certificate shall have been given by the Board of Trade it shall not be lawful for the

Power to the Owners of adjoining Lands to appeal to the Board of Trade against such Deviations.

Company

Company to make such Deviation, except in conformity with such Certificate. *Construction of Railway.*

XIII. Where in any Place it is intended to carry the Railway on an Arch or Arches or other Viaduct, as marked on the said Plan or Section, the same shall be made accordingly; and where a Tunnel is marked on the said Plan or Section as intended to be made at any Place, the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Land in which such Tunnel is intended to be made shall consent that the same shall not be so made. Arches, Tunnels, &c. to be made as marked on deposited Plans.

XIV. It shall not be lawful for the Company to deviate from or alter the Gradients, Curves, Tunnels, or other engineering Works described in the said Plan or Section, except within the following Limits, and under the following Conditions; (that is to say,) Limiting Deviations from Gradients, Curves, &c.

Subject to the above Provisions in regard to altering Levels, it shall be lawful for the Company to diminish the Inclination or Gradients of the Railway to any Extent, and to increase the said Inclination or Gradients as follows; (that is to say,) in Gradients of an Inclination not exceeding One in a Hundred, to any Extent not exceeding Ten Feet *per* Mile, or to any further Extent which shall be certified by the Board of Trade to be consistent with the public Safety, and not prejudicial to the public Interest; and in Gradients of or exceeding the Inclination of One in a Hundred, to any Extent not exceeding Three Feet *per* Mile, or to any further Extent which shall be so certified by the Board of Trade as aforesaid:

It shall be lawful for the Company to diminish the Radius of any Curve described in the said Plan to any Extent which shall leave a Radius of not less than Half a Mile, or to any further Extent authorized by such Certificate as aforesaid from the Board of Trade:

It shall be lawful for the Company to make a Tunnel, not marked on the said Plan or Section, instead of a Cutting, or a Viaduct instead of a solid Embankment, if authorized by such Certificate as aforesaid from the Board of Trade.

XV. It shall be lawful for the Company to deviate from the Line delineated on the Plans so deposited, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plans, nor to a greater Extent in passing through a Town, Village, or Lands continuously built upon than Ten Yards, or elsewhere to a greater Extent than One hundred Yards from the said Line, and that the Railway by means of such Deviation be not made to extend into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Books of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein or in the special Act provided for in Cases of unintentional Errors in the said Books of Reference. Lateral Deviations.

XVI. Subject

Works to be executed.

XVI. Subject to the Provisions and Restrictions in this and the special Act, and any Act incorporated therewith, it shall be lawful for the Company, for the Purpose of constructing the Railway, or the Accommodation Works connected therewith, herein-after mentioned, to execute any of the following Works; (that is to say,)

Inclined Planes, &c.

They may make or construct, in, upon, across, under, or over any Lands, or any Streets, Hills, Valleys, Roads, Railroads, or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters, within the Lands described in the said Plans, or mentioned in the said Books of Reference or any Correction thereof, such temporary or permanent Inclined Planes, Tunnels, Embankments, Aqueducts, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences as they think proper;

Alteration of Course of Rivers, &c.

They may alter the Course of any Rivers not navigable, Brooks, Streams, or Watercourses, and of any Branches of navigable Rivers, such Branches not being themselves navigable, within such Lands, for the Purpose of constructing and maintaining Tunnels, Bridges, Passages, or other Works over or under the same, and divert or alter, as well temporarily as permanently, the Course of any such Rivers or Streams of Water, Roads, Streets, or Ways, or raise or sink the Level of any such Rivers or Streams, Roads, Streets, or Ways, in order the more conveniently to carry the same over or under or by the Side of the Railway, as they may think proper;

Drains, &c.

They may make Drains or Conduits into, through, or under any Lands adjoining the Railway, for the Purpose of conveying Water from or to the Railway;

Warehouses, &c.

They may erect and construct such Houses, Warehouses, Offices, and other Buildings, Yards, Stations, Wharfs, Engines, Machinery, Apparatus, and other Works and Conveniences as they think proper;

Alterations and Repairs.

They may from Time to Time alter, repair, or discontinue the before-mentioned Works or any of them, and substitute others in their Stead; and

General Power.

They may do all other Acts necessary for making, maintaining, altering, or repairing, and using the Railway:

Proviso as to Damages.

Provided always, that in the Exercise of the Powers by this or the special Act granted the Company shall do as little Damage as can be, and shall make full Satisfaction in manner herein and in the special Act, and any Act incorporated therewith, provided, to all Parties interested, for all Damage by them sustained by reason of the Exercise of such Powers.

Works below High-water Mark not to be executed without the Consent of the Lords of the Admiralty.

XVII. It shall not be lawful for the Company to construct on the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, where and so far up the same as the Tide flows and reflows, any Work, or to construct any Railway or Bridge across any Creek, Bay, Arm of the Sea, or navigable River, where and so far up the same as the Tide flows and reflows, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of Two of the Commissioners of Her Majesty's Woods, Forests, Land

Revenues, Works, and Buildings, and of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lord High Admiral, or the said Commissioners, may approve of, such Approval being signified as last aforesaid; and where any such Work, Railway, or Bridge shall have been constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consents or Approvals; and if any such Work, Railway, or Bridge shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company; and the Amount thereof may be recovered in the same Manner as a Penalty is recoverable against the Company. *Construction of Railway.*

XVIII. It shall be lawful for the Company, for the Purpose of constructing the Railway, to raise, sink, or otherwise alter the Position of any of the Watercourses, Water Pipes, or Gas Pipes belonging to any of the Houses adjoining or near to the Railway, and also the Mains and other Pipes laid down by any Company or Society who may furnish the Inhabitants of such Houses or Places with Water or Gas, and also to remove all other Obstructions to such Construction, so as the same respectively be done with as little Detriment and Inconvenience to such Company, Society, or Inhabitants as the Circumstances will admit, and be done under the Superintendence of the Company to which such Water Pipes or Gas Pipes belong, and of the several Commissioners or Trustees, or Persons having Control of the Pavements, Sewers, Roads, Streets, Highways, Lanes, and other public Passages and Places within the Parish or District where such Mains, Pipes, or Obstructions shall be situate, or of their Surveyor, if they or he think fit to attend, after receiving not less than Forty-eight Hours Notice for that Purpose. Alteration of Water and Gas Pipes, &c.

XIX. Provided always, That it shall not be lawful for the Company to remove or displace any of the Mains or Pipes (other than private Service Pipes), Syphons, Plugs, or other Works belonging to any such Company or Society, or to do any thing to impede the Passage of Water or Gas into or through such Mains or Pipes, until good and sufficient Mains or Pipes, Syphons, Plugs, and all other Works necessary or proper for continuing the Supply of Water or Gas as sufficiently as the same was supplied by the Mains or Pipes proposed to be removed or displaced, shall, at the Expence of the Company, have been first made and laid down in lieu thereof, and be ready for Use, in a Position as little varying from that of the Pipes or Mains proposed Company not to disturb Pipes until they have laid down others.

Construction of Railway.

posed to be removed or displaced as may be consistent with the Construction of the Railway, and to the Satisfaction of the Surveyor or Engineer of such Water or Gas Company or Society, or, in case of Disagreement between such Surveyor or Engineer and the Company, as a Justice shall direct.

Pipes not to be laid contrary to any Act, and 18 Inches Surface Road to be retained.

XX. It shall not be lawful for the Company to lay down any such Pipes contrary to the Regulations of any Act of Parliament relating to such Water or Gas Company or Society, or to cause any Road to be lowered for the Purposes of the Railway, without leaving a Covering of not less than Eighteen Inches from the Surface of the Road over such Mains or Pipes.

Company to make good all Damage.

XXI. The Company shall make good all Damage done to the Property of the Water or Gas Company or Society, by the Disturbance thereof, and shall make full Compensation to all Parties for any Loss or Damage which they may sustain by reason of any Interference with the Mains, Pipes, or Works of such Water or Gas Company or Society, or with the private Service Pipes of any Person supplied by them with Water.

When Railway crosses Pipes, Company to make a Culvert.

XXII. If it shall be necessary to construct the Railway or any of the Works over any Mains or Pipes of any such Water or Gas Company or Society, the Company shall, at their own Expence, construct and maintain a good and sufficient Culvert over such Main or Pipe, so as to leave the same accessible for the Purpose of Repairs.

Penalty for obstructing Supply of Gas or Water.

XXIII. If by any such Operations as aforesaid the Company shall interrupt the Supply of any Water or Gas they shall forfeit Twenty Pounds for every Day that such Supply shall be so interrupted, and such Penalty shall be appropriated to the Benefit of the Poor of the Parish in which such Obstruction shall occur, in such Manner as the Overseers of the Poor of the Parish shall direct.

Penalty for obstructing Construction of Railway.

XXIV. If any Person wilfully obstruct any Person acting under the Authority of the Company in the lawful Exercise of their Power, in setting out the Line of the Railway, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of so setting out the Line of the Railway, or deface or destroy any Marks made for the same Purpose, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Drainage of Lands.

And whereas there are large Tracts of Land in *Ireland* subject to Flood and Injury by Water, and the Rivers, Streams, and Watercourses are in many Places obstructed by Shoals, insufficient Bridges, Culverts, Weirs, and other Works, whereby the Waters thereof are elevated above their natural Level: And whereas an Act of Parliament was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to empower Landed Proprietors in* Ireland *to sink, embank, and remove Obstructions in Rivers:* And whereas another Act was passed in the Sixth

1 & 2 W. 4. c. 57.

Year of the Reign of Her present Majesty, intituled *An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in* Ireland; and by the said last-mentioned Act Public Commissioners were appointed to carry the said last-recited Act into execution: And whereas it is essential, for carrying into effect the Purposes of the said Acts, and for the Improvement of Agriculture, that ample Provision be made in all Railway Works in *Ireland* for the free and uninterrupted Passage of the Waters at such Level as will be sufficient not only for the present but all future Discharge of the Waters from Lands crossed by or being on either Side of such Works, and that the Bridges of Railways crossing all Watercourses, Rivers, Lakes, or Estuaries which are or hereafter may be made navigable shall be so constructed as to admit of the commodious Navigation of the same: Therefore, with respect to the Provision to be made for the Drainage of Land in *Ireland* which may be crossed by the Railway, and for the Protection of the Navigation connected therewith, be it enacted as follows: 5 & 6 Vict. c. 89.

The Company from Time to Time to submit to the Drainage Commissioners in Ireland Plans, &c. of the Portion of the Railway which they are about to execute.

XXV. If the special Act shall authorize the Construction of a Railway in *Ireland*, the Company shall and they are hereby required, from Time to Time, before proceeding to construct any Portion of the Railway, to submit to the Commissioners acting in execution of the said Act of the Sixth Year of Her present Majesty, or any Act amending the same, such Plans, Sections, and Surveys as shall be necessary to enable the said Commissioners to decide upon the Number and Adequacy of the Waterways of all Bridges, Culverts, Tunnels, Watercourses, and other Works across the Line of such Portion as aforesaid of the Railway, for the free and uninterrupted Discharge of the Waters from all Lands crossed by or lying on either Side of or near the Railway, at such Level as shall in the Opinion of the said Commissioners be sufficient for the present and prospective Drainage and Improvement of such Lands, and (in Cases of Rivers, Lakes, Estuaries, or Watercourses, which are now or may be capable of being made navigable) upon the Height and Adequacy of all Bridges and Works crossing the same, for the commodious Navigation thereof.

Such Commissioners to investigate and report on the Works necessary for Drainage.

XXVI. The said Commissioners shall and they are hereby required, without any unnecessary Delay, to investigate, by such Means as to them shall seem fit, the Adequacy of all such Works for such Purposes as aforesaid, and to decide and certify, by a Writing under their Hands, or the Hands of any Two of them, the Number, Situation, and least possible Dimensions as to Breadth, Depth, and Height of the several Openings of such Bridges, Culverts, Tunnels, or other Works connected with such Portion of the Railway as aforesaid, which shall be necessary for the Passage of Water, or for Navigation under or across such Railway; and it shall not be lawful for the Company to proceed with the Execution of any of the Works connected with any Portion of the Railway without having first obtained such a Certificate as aforesaid respecting such Portion of the Railway, under the Hands of the said Commissioners or any Two of them,

Drainage of Lands.

them, as aforesaid; nor shall the Company be at liberty to deviate from such Certificate in respect to such Works, nor to execute the same otherwise than in conformity therewith, without the previous Approbation in Writing of the said Commissioners.

Summary Application to the Court of Chancery to enforce the Execution of such Works.

XXVII. It shall be lawful for the said Commissioners to apply by Petition in a summary Way to the Court of Chancery, complaining of any Omission on the Part of the Company to submit such Plans, Sections, and Surveys to the said Commissioners as aforesaid, or of the Omission to construct any such Bridge, Culvert, Tunnel, or other Works for the Passage of Water, in such Manner as shall be so certified by the said Commissioners, and thereupon it shall be lawful for the said Court to direct such Works to be made or constructed by the Company in such Manner as shall be conformable to the Certificate of the said Commissioners, and to the said Court shall seem necessary or proper, and to make from Time to Time such further or other Order for restraining the Company or any other Persons from proceeding with any of the Works connected with such Portion of Railway, except in conformity with the Certificate of the said Commissioners, and to issue any Writ of Injunction for the Purpose aforesaid; and such Court shall have Power to award Costs to be paid by such Company or Persons.

Saving of the Powers of the Drainage Commissioners.

XXVIII. Nothing in this or the special Act shall extend or be construed to prejudice or affect the Powers or Authorities of the Commissioners acting in execution of the said Act of the Sixth Year of Her present Majesty, but all such Powers shall be in full Force as to the Formation of any Cut, River, or Watercourse across the Railway, but such Powers shall not be exercised so as to prevent or obstruct the working or using of the Railway.

The Drainage Commissioners in Ireland to have Power to decide Questions as to the Execution of Works or to execute Works for carrying Watercourses across the Railway.

XXIX. And whereas it is expedient to encourage the Establishment of Manufactories to be worked by Water Power in *Ireland;* be it therefore enacted, That whenever it may be requisite for the Formation of a Watercourse for manufacturing Purposes to construct an Arch, Culvert, Tunnel, or Watercourse beneath or an Aqueduct above any Railway in *Ireland*, and that Differences shall have arisen between the Directors of such Railway and the Person interested in obtaining the Water Power, either as to the Manner in which such Works shall be executed, or the Amount of Compensation which should be paid, it shall be lawful to refer the Questions in issue to the Commissioners acting under the said recited Act of the Fifth and Sixth Years of the Reign of Her Majesty Queen *Victoria*, and their Decision thereon shall be final and conclusive; and if the said Commissioners shall be of opinion that the proposed Works can be executed without Injury to the Railway, and if they shall think proper so to do, they may undertake the Execution of so much of the said Works as shall be in connexion with such Railway, at the Expence of the Parties for whose Benefit the Watercourse shall be made, with the same Powers and Authorities as are given by the said Act for the Execution of any Works for Drainage.

Temporary Use of Lands.

And with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, be it enacted as follows:

Company may occupy temporarily private Roads within Five hundred Yards of the Railway.

XXX. Subject to the Provisions herein and in the special Act contained, it shall be lawful for the Company, at any Time before the Expiration of the Period by the special Act limited for the Completion of the Railway, to enter upon and use any existing private Road, being a Road gravelled or formed with Stones or other hard Materials, and not being an Avenue or a planted or ornamental Road, or an Approach to any Mansion House, within the prescribed Limits, if any, or, if no Limits be prescribed, not being more than Five hundred Yards distant from the Centre of the Railway as delineated on the Plans; but before the Company shall enter upon or use any such existing Road they shall give Three Weeks Notice of their Intention to the Owners and Occupiers of such Road, and of the Lands over which the same shall pass, and shall in such Notice state the Time during which, and the Purposes for which, they intend to occupy such Road, and shall pay to the Owners and Occupiers of such Road, and of the Lands through which the same shall pass, such Compensation for the Use and Occupation of such Road, either in a gross Sum of Money or by half-yearly Instalments, as shall be agreed upon between such Owners and Occupiers respectively and the Company, or in case they differ about the Compensation the same shall be settled by Two Justices, in the same Manner as any Compensation not exceeding Fifty Pounds is directed to be settled by the said Lands Clauses Consolidation Act.

Power to Owners and Occupiers of Road and Land to object that other Roads should be taken.

XXXI. It shall be lawful for the Owners and Occupiers of any such Road, and of the Lands over which the same passes, within Ten Days after the Service of the aforesaid Notice, by Notice in Writing to the Company to object to the Company making use of such Road, on the Ground that other Roads, such as the Company are herein-before authorized to use for the Purposes aforesaid, or that some public Road, would be more fitting to be used for the same; and upon the Objection being so made such Proceedings may be had as are herein-after mentioned with respect to Lands temporarily occupied by the Company, in respect of which Three Weeks Notice is herein-after required to be given, and in the same Manner as if in the Provisions relative to such Proceedings the Word Road or Roads, or the Words Road and the Land over which the same passes, as the Case may require, had been substituted in such Provisions for the Word Lands.

Power to take temporary Possession of Land without previous Payment of Price.

XXXII. Subject to the Provisions herein and in the special Act contained, it shall be lawful for the Company, at any Time before the Expiration of the Period by the special Act limited for the Completion of the Railway, without making any previous Payment, Tender, or Deposit, to enter upon any Lands within the prescribed Limits, or, if no Limits be prescribed, not being more than Two hundred Yards distant from the Centre of the Railway as delineated on the Plans, and not being a Garden, Orchard, or Plantation attached or belonging to a House, nor a Park, planted Walk, Avenue, or Ground ornamentally planted, and not being nearer to

Temporary Use of Lands.

the Mansion House of the Owner of any such Lands than the prescribed Distance, or if no Distance be prescribed, then not nearer than Five hundred Yards therefrom, and to occupy the said Lands so long as may be necessary for the Construction or Repair of that Portion of the Railway, or of the Accommodation Works connected therewith, herein-after mentioned, and to use the same for any of the following Purposes; (that is to say,)

For the Purpose of taking Earth or Soil by Side Cuttings therefrom;

For the Purpose of depositing Spoil thereon;

For the Purpose of obtaining Materials therefrom for the Construction or Repair of the Railway or such Accommodation Works as aforesaid; or

For the Purpose of forming Roads thereon to or from or by the Side of the Railway:

And in exercise of the Powers aforesaid it shall be lawful for the Company to deposit and also to manufacture and work upon such Lands Materials of every Kind used in constructing the Railway, and also to dig and take from out of any such Lands any Clay, Stone, Gravel, Sand, or other Things that may be found therein useful or proper for constructing the Railway or any such Roads as aforesaid, and for the Purposes aforesaid to erect thereon Workshops, Sheds, and other Buildings of a temporary Nature: Provided always, that nothing in this Act contained shall exempt the Company from an Action for Nuisance or other Injury, if any done, in the Exercise of the Powers herein-before given, to the Lands or Habitations of any Party other than the Party whose Lands shall be so taken or used for any of the Purposes aforesaid: Provided also, that no Stone or Slate Quarry, Brick Field, or other like Place, which at the Time of the passing of the special Act shall be commonly worked or used for getting Materials therefrom for the Purpose of selling or disposing of the same, shall be taken or used by the Company, either wholly or in part, for any of the Purposes lastly herein-before mentioned.

Company to give Notice previous to such temporary Possession.

XXXIII. In case any such Lands shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials for the Construction or Repair of the Railway, the Company shall before entering thereon (except in the Case of Accident to the Railway requiring immediate Reparation) give Three Weeks Notice in Writing to the Owners and Occupiers of such Lands of their Intention to enter upon the same for such Purposes; and in case the said Lands are required for any of the other Purposes herein-before mentioned the Company shall (except in the Cases aforesaid) give Ten Days like Notice thereof, and the Company shall in such Notices respectively state the Substance of the Provisions herein-after contained respecting the Right of such Owner or Occupier to require the Company to purchase any such Lands, or to receive Compensation for the temporary Occupation thereof, as the Case may be.

Service of Notices on Owners and Occupiers of Lands.

XXXIV. The said Notice shall either be served personally on such Owners and Occupiers, or left at their last usual Place of Abode, if any such can, after diligent Inquiry, be found, and in case any such Owner shall be absent from the United Kingdom, or cannot be found after

after diligent Inquiry, shall also be left with the Occupier of such Lands, or, if there be no such Occupier, shall be affixed upon some conspicuous Part of such Lands. *Temporary Use of Lands.*

XXXV. In any Case in which a Notice of Three Weeks is hereinbefore required to be given it shall be lawful for the Owner or Occupier of the Lands therein referred to, within Ten Days after the Service of such Notice, by Notice in Writing to the Company to object to the Company making use of such Lands, either on the ground that the Lands proposed to be taken for the Purposes aforesaid, or some Part thereof, or of the Materials contained therein, are essential to be retained by such Owner, in order to the beneficial Enjoyment of other neighbouring Lands belonging to him, or on the ground that other Lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such Purposes by the Company; and upon Objection being so made such Proceedings may be had as herein-after mentioned. Power to Owner to object that other Lands ought to be taken.

XXXVI. If the Objection so made be on the ground that the Lands proposed to be taken, or some Part thereof, or of the Materials contained therein, are essential to be retained by the Owner in order to the beneficial Enjoyment of other neighbouring Lands belonging to him, it shall be lawful for any Justice, on the Application of such Owner, to summon the Company to appear before Two Justices at a Time and Place to be named in the Summons, such Time not being later than the Expiration of the said Twenty-one Days Notice; and on the Appearance of the Company, or, in their Absence, upon Proof of due Service of the Summons, it shall be lawful for such Justices to inquire into the Truth of such Ground of Objection; and if it appear to such Justices that for some special Reason, to be stated in the Order after mentioned, the Lands so proposed to be taken, or any Part thereof, or of the Materials contained therein, are essential to be retained by the Owner of such Lands in order to the beneficial Enjoyment of other neighbouring Lands belonging to him, and ought not therefore to be taken or used by the Company, it shall be lawful for such Justices, by Writing under their Hands, to order that the Lands so proposed to be taken, or some Part thereof, or of the Materials contained therein, to be specified in such Order, shall not be taken or used by the Company, and after Service of such Order on the Company it shall not be lawful for them to take or use, without the previous Consent in Writing of the Owner thereof, any of the Lands or Materials which by such Order they are ordered not to take or use. Power to Two Justices to order that the Lands and Materials shall not be taken.

XXXVII. If the Objection so made as aforesaid be on the ground that other Lands lying contiguous to those proposed to be taken, and being sufficient in Quantity, and such as the Company are hereinbefore authorized to use for the Purposes aforesaid, would be more fitting to be used by the Company, and if in such Case the Company shall refuse to occupy such other Lands in lieu of those mentioned in the Notice, it shall be lawful for any Justice, on the Application of such Owner or Occupier, to summon the Company and the Owners and Occupiers of such other Lands to appear before Two Justices at a Time Power to Justices to order other Lands to be taken.

Temporary Use of Lands.

a Time and Place to be named in such Summons, such Time not being more than Fourteen Days after such Application nor less than Seven Days from the Service of such Summons; and on the Appearance of the Parties, or, in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such Justices to determine summarily which of the said Lands shall be used by the Company for the Purposes aforesaid, and to authorize the Company to occupy and use the same accordingly.

Power to the Justices to summon other Owners before them.

XXXVIII. If in the Case last mentioned it shall appear to such Justices, upon the Inquiry before them, that the Lands of any other Party not summoned before them, being sufficient in Quantity, and such as the Company are herein-before authorized to take or use for the Purposes aforesaid, would be more fitting to be used by the Company than the Lands of the Person who shall have been so summoned as aforesaid, it shall be lawful for the said Justices to adjourn such Inquiry, and to summon such other Person to appear before them at any Time, not being more than Fourteen Days from such Inquiry nor less than Seven Days from the Service of such Summons; and on the Appearance of the Parties, or, in the Absence of any of them, on Proof of due Service of the Summons, it shall be lawful for such Justices to determine finally which Lands shall be used for the Purposes aforesaid, and to authorize the Company to occupy and use the same accordingly.

The Company to give Sureties, if required.

XXXIX. Before entering, under the Provisions herein-before contained, upon any such Lands as shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials or forming Roads as aforesaid, the Company shall, if required by the Owner or Occupier thereof, Seven Days at least before the Expiration of the Notice to take such Lands as herein-before mentioned, find Two sufficient Persons, to be approved of by a Justice, in case the Parties differ, who shall enter into a Bond to such Owner or Occupier in a Penalty of such Amount as shall be approved of by such Justice, in case the Parties differ, conditioned for the Payment of such Compensation as may become payable in respect of the same in manner herein mentioned.

Company to separate the Lands before using them.

XL. Before the Company shall use any such Lands for any of the Purposes aforesaid they shall, if required so to do by the Owner or Occupier thereof, separate the same by a sufficient Fence from the Lands adjoining thereto, with such Gates as may be required by the said Owner or Occupier for the convenient Occupation of such Lands, and shall also, to all private Roads used by them as aforesaid, put up Fences and Gates in like Manner, in all Cases where the same may be necessary to prevent the straying of Cattle from or upon the Lands traversed by such Roads, and in case of any Difference between the Owners or Occupiers of such Roads and Lands and the Company as to the Necessity for such Fences and Gates, such Fences and Gates as any Two Magistrates shall deem necessary for the Purposes aforesaid, on Application being made to them in like Manner as herein-before is provided in respect to the Use of such Roads.

XLI. That

XLI. That if any Land shall be taken or used by the Company, under the Provisions of this or the special Act, for the Purpose of getting Materials therefrom for the Construction or Repair of the Railway, or the Accommodation Works connected therewith, they shall work the same in such Manner as the Surveyor or Agent of the Owner of such Land shall direct, or, in case of Disagreement between such Surveyor or Agent and the Company, in such Manner as any Justice shall direct, on the Application of either Party, after Notice of the hearing the Application shall have been given to the other Party.

Lands taken for getting Materials, &c. to be worked as the Surveyor of Owner may direct.

XLII. In all Cases in which the Company shall in exercise of the Powers aforesaid enter upon any Lands for the Purpose of making Spoil Banks or Side Cuttings thereon, or for obtaining therefrom Materials for the Construction or Repair of the Railway, it shall be lawful for the Owners or Occupiers of such Lands, or Parties having such Estates or Interests therein as, under the Provisions in the said Lands Clauses Consolidation Act mentioned, would enable them to sell or convey Lands to the Company, at any Time during the Possession of any such Lands by the Company, and before such Owners or Occupiers shall have accepted Compensation from the Company in respect of such temporary Occupation, to serve a Notice in Writing on the Company requiring them to purchase the said Lands, or the Estates and Interests therein capable of being sold and conveyed by them respectively; and in such Notice such Owners or Occupiers shall set forth the Particulars of such their Estate or Interest in such Lands, and the Amount of their Claim in respect thereof; and the Company shall thereupon be bound to purchase the said Lands, or the Estate and Interest therein capable of being sold and conveyed by the Parties serving such Notice.

Owners of Lands may compel Company to purchase Lands so temporarily occupied.

XLIII. In any of the Cases aforesaid, where the Company shall not be required to purchase such Lands, and in all other Cases where they shall take temporary Possession of Lands by virtue of the Powers herein or in the special Act granted, it shall be incumbent on the Company, within One Month after their Entry upon such Lands, upon being required so to do, to pay to the Occupier of the said Lands the Value of any Crop or Dressing that may be thereon, as well as full Compensation for any other Damage of a temporary Nature which he may sustain by reason of their so taking possession of his Lands, and shall also from Time to Time during their Occupation of the said Lands pay half-yearly to such Occupier or to the Owner of the Lands, as the Case may require, a Rent to be fixed by Two Justices, in case the Parties differ, and shall also within Six Months after they shall have ceased to occupy the said Lands, and not later than Six Months after the Expiration of the Time by the special Act limited for the Completion of the Railway, pay to such Owner and Occupier, or deposit in the Bank for the Benefit of all Parties interested, as the Case may require, Compensation for all permanent or other Loss, Damage, or Injury that may have been sustained by them by reason of the Exercise, as regards the said Lands, of the Powers herein or in the special Act granted, including

Compensation to be made for temporary Occupation.

Temporary Use of Lands.

the full Value of all Clay, Stone, Gravel, Sand, and other Things taken from such Lands.

Compensation to be ascertained under the Lands Clauses Act.

XLIV. The Amount and Application of the Purchase Money and other Compensation payable by the Company in any of the Cases aforesaid shall be determined in the Manner provided by the said Lands Clauses Consolidation Act for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof.

Lands for additional Stations.

Land to be taken for additional Stations, &c.

XLV. And be it enacted, That it shall be lawful for the Company, in addition to the Lands authorized to be compulsorily taken by them under the Powers of this or the special Act, to contract with any Party willing to sell the same for the Purchase of any Land adjoining or near to the Railway, not exceeding in the whole the prescribed Number of Acres for extraordinary Purposes; (that is to say,)

For the Purpose of making and providing additional Stations, Yards, Wharfs, and Places for the Accommodation of Passengers, and for receiving, depositing, and loading or unloading Goods or Cattle to be conveyed upon the Railway, and for the Erection of Weighing Machines, Toll Houses, Offices, Warehouses, and other Buildings and Conveniences:

For the Purpose of making convenient Roads or Ways to the Railway, or any other Purpose which may be requisite or convenient for the Formation or Use of the Railway.

Crossing of Roads, and Construction of Bridges.

And with respect to the crossing of Roads, or other Interference therewith, be it enacted as follows:

Crossing of Roads.

XLVI. If the Line of the Railway cross any Turnpike Road or public Highway, then (except where otherwise provided by the special Act) either such Road shall be carried over the Railway, or the Railway shall be carried over such Road, by means of a Bridge, of the Height and Width and with the Ascent or Descent by this or the special Act in that Behalf provided; and such Bridge, with the immediate Approaches, and all other necessary Works connected therewith, shall be executed and at all Times thereafter maintained at the Expence of the Company: Provided always, that, with the Consent of Two or more Justices in Petty Sessions, as after mentioned, it shall be lawful for the Company to carry the Railway across any Highway, other than a public Carriage Road, on the Level.

Provision in Cases where Roads are crossed on a Level.

XLVII. If the Railway cross any Turnpike Road or public Carriage Road on a Level, the Company shall erect and at all Times maintain good and sufficient Gates across such Road, on each Side of the Railway where the same shall communicate therewith, and shall employ proper Persons to open and shut such Gates; and such Gates shall be kept constantly closed across such Road on both Sides of the Railway, except during the Time when Horses, Cattle, Carts, or Carriages passing along the same shall have to cross such Railway; and such Gates shall be of such Dimensions and so constructed as

when

Crossing of Roads, and Construction of Bridges.

when closed to fence in the Railway, and prevent Cattle or Horses passing along the Road from entering upon the Railway; and the Person intrusted with the Care of such Gates shall cause the same to be closed as soon as such Horses, Cattle, Carts, or Carriages shall have passed through the same, under a Penalty of Forty Shillings for every Default therein: Provided always, that it shall be lawful for the Board of Trade, in any Case in which they are satisfied that it will be more conducive to the public Safety that the Gates on any level Crossing over any such Road should be kept closed across the Railway, to order that such Gates shall be kept so closed, instead of across the Road, and in such Case such Gates shall be kept constantly closed across the Railway, except when Engines or Carriages passing along the Railway shall have Occasion to cross such Road, in the same Manner and under the like Penalty as above directed with respect to the Gates being kept closed across the Road.

As to crossing of Turnpike Roads adjoining Stations.

XLVIII. Where the Railway crosses any Turnpike Road on a Level adjoining to a Station, all Trains on the Railway shall be made to slacken their Speed before arriving at such Turnpike Road, and shall not cross the same at any greater Rate of Speed than Four Miles an Hour; and the Company shall be subject to all such Rules and Regulations with regard to such Crossings as may from Time to Time be made by the Board of Trade.

Construction of Bridges over Roads.

XLIX. Every Bridge to be erected for the Purpose of carrying the Railway over any Road shall (except where otherwise provided by the special Act) be built in conformity with the following Regulations; (that is to say,)

The Width of the Arch shall be such as to leave thereunder a clear Space of not less than Thirty-five Feet if the Arch be over a Turnpike Road, and of Twenty-five Feet if over a public Carriage Road, and of Twelve Feet if over a private Road:

The clear Height of the Arch from the Surface of the Road shall not be less than Sixteen Feet for a Space of Twelve Feet if the Arch be over a Turnpike Road, and Fifteen Feet for a Space of Ten Feet if over a public Carriage Road; and in each of such Cases the clear Height at the springing of the Arch shall not be less than Twelve Feet:

The clear Height of the Arch for a Space of Nine Feet shall not be less than Fourteen Feet over a private Carriage Road:

The Descent made in the Road in order to carry the same under the Bridge shall not be more than One Foot in Thirty Feet if the Bridge be over a Turnpike Road, One Foot in Twenty Feet if over a public Carriage Road, and One Foot in Sixteen Feet if over a private Carriage Road, not being a Tramroad or Railroad, or if the same be a Tramroad or Railroad the Descent shall not be greater than the prescribed Rate of Inclination, and if no Rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

Construction of Bridges over Railway.

L. Every Bridge erected for carrying any Road over the Railway shall (except as otherwise provided by the special Act) be built in conformity with the following Regulations; (that is to say,)

There

Crossing of Roads, and Construction of Bridges.

There shall be a good and sufficient Fence on each Side of the Bridge of not less Height than Four Feet, and on each Side of the immediate Approaches of such Bridge of not less than Three Feet:

The Road over the Bridge shall have a clear Space between the Fences thereof of Thirty-five Feet if the Road be a Turnpike Road, and Twenty-five Feet if a public Carriage Road, and Twelve Feet if a private Road:

The Ascent shall not be more than One Foot in Thirty Feet if the Road be a Turnpike Road, One Foot in Twenty Feet if a public Carriage Road, and One Foot in Sixteen Feet if a private Carriage Road, not being a Tramroad or Railroad, or if the same be a Tramroad or Railroad the Ascent shall not be greater than the prescribed Rate of Inclination, and if no Rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

The Width of the Bridges need not exceed the Width of the Road in certain Cases.

LI. Provided always, That in all Cases where the average available Width for the Passage of Carriages of any existing Roads within Fifty Yards of the Points of crossing the same is less than the Width herein-before prescribed for Bridges over or under the Railway, the Width of such Bridges need not be greater than such average available Width of such Roads, but so nevertheless that such Bridges be not of less Width, in the Case of a Turnpike Road or public Carriage Road, than Twenty Feet: Provided also, that if at any Time after the Construction of the Railway the average available Width of any such Road shall be increased beyond the Width of such Bridge on either Side thereof, the Company shall be bound, at their own Expence, to increase the Width of the said Bridge to such Extent as they may be required by the Trustees or Surveyors of such Road, not exceeding the Width of such Road as so widened, or the maximum Width herein or in the special Act prescribed for a Bridge in the like Case over or under the Railway.

Existing Inclinations of Roads crossed or diverted need not be improved.

LII. Provided also, That if the mesne Inclination of any Road within Two hundred and fifty Yards of the Point of crossing the same, or the Inclination of such Portion of any Road as may require to be altered, or for which another Road shall be substituted, shall be steeper than the Inclination herein-before required to be preserved by the Company, then the Company may carry any such Road over or under the Railway, or may construct such altered or substituted Road at an Inclination not steeper than the said mesne Inclination of the Road so to be crossed, or of the Road so requiring to be altered, or for which another Road shall be substituted.

Before Roads interfered with, others to be substituted.

LIII. If, in the Exercise of the Powers by this or the special Act granted, it be found necessary to cross, cut through, raise, sink, or use any Part of any Road, whether Carriage Road, Horse Road, Tramroad, or Railway, either public or private, so as to render it impassable for or dangerous or extraordinarily inconvenient to Passengers or Carriages, or to the Persons entitled to the Use thereof, the Company shall, before the Commencement of any such Operations,

tions, cause a sufficient Road to be made instead of the Road to be interfered with, and shall at their own Expence maintain such substituted Road in a State as convenient for Passengers and Carriages as the Road so interfered with, or as nearly so as may be. *Crossing of Roads, and Construction of Bridges.*

LIV. If the Company do not cause another sufficient Road to be so made before they interfere with any such existing Road as aforesaid, they shall forfeit Twenty Pounds for every Day during which such substituted Road shall not be made after the existing Road shall have been interrupted; and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Person having the Management of such Road, if a public Road, and shall be applied for the Purposes thereof, or in case of a private Road the same shall be paid to the Owner thereof, and every such Penalty shall be recoverable with Costs by Action in any of the Superior Courts. Penalty for not substituting a Road.

LV. If any Party entitled to a Right of Way over any Road so interfered with by the Company shall suffer any special Damage by reason that the Company shall fail to cause another sufficient Road to be made before they interfere with the existing Road, it shall be lawful for such Party to recover the Amount of such special Damage from the Company, with Costs, by Action on the Case in any of the Superior Courts, and that whether any Party shall have sued for such Penalty as aforesaid or not, and without Prejudice to the Right of any Party to sue for the same. Party suffering Damage from Interruption of Road to recover in an Action on the Case.

LVI. If the Road so interfered with can be restored compatibly with the Formation and Use of the Railway, the same shall be restored to as good a Condition as the same was in at the Time when the same was first interfered with by the Company, or as near thereto as may be; and if such Road cannot be restored compatibly with the Formation and Use of the Railway, the Company shall cause the new or substituted Road, or some other sufficient substituted Road, to be put into a permanently substantial Condition, equally convenient as the former Road, or as near thereto as Circumstances will allow; and the former Road shall be restored, or the substituted Road put into such Condition as aforesaid, as the Case may be, within the following Periods after the first Operation on the former Road shall have been commenced, unless the Trustees or Parties having the Management of the Road to be restored by Writing under their Hands consent to an Extension of the Period, and in such Case within such extended Period; (that is to say,) if the Road be a Turnpike Road, within Six Months, and if the Road be not a Turnpike Road, within Twelve Months. Period for Restoration of Roads interfered with.

LVII. If any such Road be not so restored, or the substituted Road so completed as aforesaid, within the Periods herein or in the special Act fixed for that Purpose, the Company shall forfeit to the Trustees, Commissioners, Surveyor, or other Person having the Management of the Road interfered with by the Company, if a public Road, or if a private Road to the Owner thereof, Five Pounds for every Day after the Expiration of such Periods respectively during which such Road shall not be so restored or the substituted Road completed; and it Penalty for failing to restore Road.

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shall be lawful for the Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be laid out in executing the Work in respect whereof such Penalty was incurred.

Company to repair Roads used by them.

LVIII. If in the course of making the Railway the Company shall use or interfere with any Road they shall from Time to Time make good all Damage done by them to such Road; and if any Question shall arise as to the Damage done to any such Road by the Company, or as to the Repair thereof by them, such Question shall be referred to the Determination of Two Justices; and such Justices may direct such Repairs to be made in the State of such Road, in respect of the Damage done by the Company, and within such Period as they think reasonable, and may impose on the Company, for not carrying into effect such Repairs, any Penalty not exceeding Five Pounds *per* Day as to such Justices shall seem just; and such Penalty shall be paid to the Surveyor or other Person having the Management of the Road interfered with by the Company, if a public Road, and be applied for the Purposes of such Road, or if a private Road the same shall be paid to the Owner thereof: Provided always, that in determining any such Question with regard to a Turnpike Road the said Justices shall have regard to and shall make full Allowance for any Tolls that may have been paid by the Company on such Road in the course of the using thereof.

Proceedings on Application to Justices to consent to level Crossings of Bridleways and Footways.

LIX. When the Company shall intend to apply for the Consent of Two Justices, as herein-before provided, so as to authorize them to carry the Railway across any Highway other than a public Carriage Road on the Level, they shall, Fourteen Days at least previous to the holding of the Petty Sessions at which such Application is intended to be made, cause Notice of such intended Application to be given in some Newspaper circulating in the County, and also to be affixed upon the Door of the Parish Church of the Parish in which such Crossing is intended to be made, or if there be no such Church some other Place to which Notices are usually affixed; and if it appear to any Two or more Justices acting for the District in which such Highway at the proposed Crossing thereof is situate, and assembled in Petty Sessions, after such Notice as aforesaid, that the Railway can, consistently with a due Regard to the public Safety and Convenience, be carried across such Highway on the Level, it shall be lawful for such Justices to consent that the same may be so carried accordingly.

Appeal against the Determination of the Justices.

LX. If either Party shall feel aggrieved by the Determination of such Justices upon any such Application as aforesaid, it shall be lawful for such Party, in like Manner and subject to the like Conditions as are herein-after provided in the Case of Appeals in respect of Penalties and Forfeitures, to appeal to the Quarter Sessions of the County or Place in which the Cause of Appeal shall have arisen; and it shall be lawful for the Justices in such Quarter Sessions, upon the hearing of such Appeal, either to confirm or quash the Determination, or to make such other Order in regard to the Method of carrying the Railway across such Highway as aforesaid, as to them shall seem fit, and to make such Order concerning the

Costs both of the original Application and of the Appeal as to them shall seem reasonable.

Company to make sufficient Approaches and Fences to Bridleways and Footways crossing on the Level.

LXI. If the Railway shall cross any Highway other than a public Carriageway on the Level, the Company shall at their own Expence make and at all Times maintain convenient Ascents and Descents and other convenient Approaches, with Handrails or other Fences, and shall, if such Highway be a Bridleway, erect and at all Times maintain good and sufficient Gates, and if the same shall be a Footway, good and sufficient Gates or Stiles, on each Side of the Railway where the Highway shall communicate therewith.

Justices to have Power to order Approaches and Fences to be made to Highways crossing on the Level.

LXII. If, where the Railway shall cross any Highway on the Level, the Company fail to make convenient Ascents and Descents or other convenient Approaches, and such Handrails, Fence, Gates, and Stiles as they are herein-before required to make, it shall be lawful for Two Justices, on the Application of the Surveyor of Roads, or of any Two Householders within the Parish or District where such Crossing shall be situate, after not less than Ten Days Notice to the Company, to order the Company to make such Ascent and Descent or other Approach, or such Handrails, Fences, Gates, or Stiles as aforesaid, within a Period to be limited for that Purpose by such Justices; and if the Company fail to comply with such Order they shall forfeit Five Pounds for every Day that they fail so to do; and it shall be lawful for the Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be applied, in such Manner and by such Person as they think fit, in executing the Work in respect whereof such Penalty was incurred.

Screens for Turnpike Roads.

Screen for Roads to be made, if required by the Board of Trade.

LXIII. If the Commissioners or Trustees of any Turnpike Road, or the Surveyor of any Highway, apprehend Danger to the Passengers on such Road in consequence of Horses being frightened by the Sight of the Engines or Carriages travelling upon the Railway, it shall be lawful for such Commissioners, or Trustees, or Surveyor, after giving Fourteen Days Notice to the Company, to apply to the Board of Trade with respect thereto; and if it shall appear to the said Board that such Danger might be obviated or lessened by the Construction of any Works in the Nature of a Screen near to or adjoining the Side of such Road, it shall be lawful for them, if they shall think fit, to certify the Works necessary or proper to be executed by the Company for the Purpose of obviating or lessening such Danger, and by such Certificate to require the Company to execute such Works within a certain Time after the Service of such Certificate, to be appointed by the said Board.

Penalty for failing to construct

LXIV. Where by any such Certificate as aforesaid the Company shall have been required to execute any such Work in the Nature of a Screen, they shall execute and complete the same within the Period appointed for that Purpose in such Certificate; and if they fail so to do they shall forfeit to the said Commissioners, or Trustees, or Surveyor, Five Pounds for every Day during which such Works shall remain uncompleted beyond the Period so appointed for their Completion; and it shall be lawful for the Justices by whom any such

Penalty

Penalty is imposed to order the whole or any Part thereof to be laid out in executing the Work in respect whereof such Penalty was incurred.

Construction of Bridges.

Justices to have Power to order Repair of Bridges, &c.

LXV. Where, under the Provisions of this or the special Act, or any Act incorporated therewith, the Company are required to maintain or keep in repair any Bridge, Fence, Approach, Gate, or other Work executed by them, it shall be lawful for Two Justices, on the Application of the Surveyor of Roads, or of any Two Householders of the Parish or District where such Work may be situate, complaining that any such Work is out of repair, after not less than Ten Days Notice to the Company, to order the Company to put such Work into complete Repair within a Period to be limited for that Purpose by such Justices; and if the Company fail to comply with such Order they shall forfeit Five Pounds for every Day that they fail so to do; and it shall be lawful for the Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be applied, in such Manner and by such Persons as they think fit, in putting such Work into repair.

Board of Trade empowered to modify the Construction of certain Roads, Bridges, &c., where a strict Compliance with the Act is impossible or inconvenient.

LXVI. And whereas Expence might frequently be avoided, and public Convenience promoted, by a Reference to the Board of Trade upon the Construction of public Works of an engineering Nature connected with the Railway, where a strict Compliance with the Provisions of this or the special Act might be impossible, or attended with Inconvenience to the Company, and without adequate Advantage to the Public; be it enacted, That in case any Difference in regard to the Construction, Alteration, or Restoration of any Road or Bridge, or other public Work of an engineering Nature, required by the Provisions of this or the special Act, shall arise between the Company and any Trustees, Commissioners, Surveyors, or other Persons having the Control of or being authorized by Law to enforce the Construction of such Road, Bridge, or Work, it shall be lawful for either Party, after giving Fourteen Days Notice in Writing of their Intention so to do to the other Party, to apply to the Board of Trade to decide upon the proper Manner of constructing, altering, or restoring such Road, Bridge, or other Work; and it shall be lawful for the Board of Trade, if they shall think fit, to decide the same accordingly, and to authorize, by Certificate in Writing, any Arrangement or Mode of Construction in regard to any such Road, Bridge, or other Work which shall appear to them either to be in substantial Compliance with the Provisions of this and the special Act, or to be calculated to afford equal or greater Accommodation to the Public using such Road, Bridge, or other Work; and after any such Certificate shall have been given by the Board of Trade, the Road, Bridge, or other Work therein mentioned shall be constructed by the Company in conformity with the Terms of such Certificate, and being so constructed shall be deemed to be constructed in conformity with the Provisions of this and the special Act: Provided always, that no such Certificate shall be granted by the Board of Trade unless they shall be satisfied that existing private Rights or Interests will not be injuriously affected thereby.

LXVII. And

Authentication of Certificates of the Board of Trade, Service of Notices, &c.

LXVII. And be it enacted, That all Regulations, Certificates, Notices, and other Documents in Writing purporting to be made or issued by or by the Authority of the Board of Trade, and signed by some Officer appointed for that Purpose by the Board of Trade, shall, for the Purposes of this and the special Act, and any Act incorporated therewith, be deemed to have been so made and issued, and that without Proof of the Authority of the Person signing the same, or of the Signature thereto, which Matters shall be presumed until the contrary be proved; and Service of any such Document, by leaving the same at one of the principal Offices of the Railway Company, or by sending the same by Post addressed to the Secretary at such Office, shall be deemed good Service upon the Company; and all Notices and other Documents required by this or the special Act to be given to or laid before the Board of Trade shall be delivered at, or sent by Post addressed to, the Office of the Board of Trade in *London*.

Works for Protection and Accommodation of Lands.

And with respect to Works for the Accommodation of Lands adjoining the Railway, be it enacted as follows:

LXVIII. The Company shall make and at all Times thereafter maintain the following Works for the Accommodation of the Owners and Occupiers of Lands adjoining the Railway; (that is to say,)

Gates, Bridges, &c:

Such and so many convenient Gates, Bridges, Arches, Culverts, and Passages over, under, or by the Sides of or leading to or from the Railway as shall be necessary for the Purpose of making good any Interruptions caused by the Railway to the Use of the Lands through which the Railway shall be made; and such Works shall be made forthwith after the Part of the Railway passing over such Lands shall have been laid out or formed, or during the Formation thereof:

Fences:

Also sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences for separating the Land taken for the Use of the Railway from the adjoining Lands not taken, and protecting such Lands from Trespass, or the Cattle of the Owners or Occupiers thereof from straying thereout, by reason of the Railway, together with all necessary Gates made to open towards such adjoining Lands, and not towards the Railway, and all necessary Stiles; and such Posts, Rails, and other Fences shall be made forthwith after the taking of any such Lands, if the Owners thereof shall so require, and the said other Works as soon as conveniently may be:

Drains:

Also all necessary Arches, Tunnels, Culverts, Drains, or other Passages, either over or under or by the Sides of the Railway, of such Dimensions as will be sufficient at all Times to convey the Water as clearly from the Lands lying near or affected by the Railway as before the making of the Railway, or as nearly so as may be; and such Works shall be made from Time to Time as the Railway Works proceed:

Watering Places.

Also proper Watering Places for Cattle where by reason of the Railway the Cattle of any Person occupying any Lands lying near thereto shall be deprived of Access to their former Watering Places; and such Watering Places shall be so made as to be

Works for Protection and Accommodation of Lands.

at all Times as sufficiently supplied with Water as theretofore, and as if the Railway had not been made, or as nearly so as may be; and the Company shall make all necessary Watercourses and Drains for the Purpose of conveying Water to the said Watering Places:

Provided always, that the Company shall not be required to make such Accommodation Works in such a Manner as would prevent or obstruct the working or using of the Railway, nor to make any Accommodation Works with respect to which the Owners and Occupiers of the Lands shall have agreed to receive and shall have been paid Compensation instead of the making them.

Differences as to Accommodation Works to be settled by Justices.

LXIX. If any Difference arise respecting the Kind or Number of any such Accommodation Works, or the Dimensions or Sufficiency thereof, or respecting the maintaining thereof, the same shall be determined by Two Justices; and such Justices shall also appoint the Time within which such Works shall be commenced and executed by the Company.

Execution of Works by Owners on default by the Company.

LXX. If for Fourteen Days next after the Time appointed by such Justices for the Commencement of any such Works the Company shall fail to commence such Works, or having commenced shall fail to proceed diligently to execute the same in a sufficient Manner, it shall be lawful for the Party aggrieved by such Failure himself to execute such Works or Repairs; and the reasonable Expences thereof shall be repaid by the Company to the Party by whom the same shall so have been executed; and if there be any Dispute about such Expences the same shall be settled by Two Justices: Provided always, that no such Owner or Occupier or other Person shall obstruct or injure the Railway, or any of the Works connected therewith, for a longer Time nor use them in any other Manner than is unavoidably necessary for the Execution or Repair of such Accommodation Works.

Power to Owners of Land to make additional Accommodation Works.

LXXI. If any of the Owners or Occupiers of Lands affected by such Railway shall consider the Accommodation Works made by the Company, or directed by such Justices to be made by the Company, insufficient for the commodious Use of their respective Lands, it shall be lawful for any such Owner or Occupier, at any Time, at his own Expence, to make such further Works for that Purpose as he shall think necessary, and as shall be agreed to by the Company, or, in case of Difference, as shall be authorized by Two Justices.

Such Works to be constructed under the Superintendence of the Company's Engineer.

LXXII. If the Company so desire, all such last-mentioned Accommodation Works shall be constructed under the Superintendence of their Engineer, and according to Plans and Specifications to be submitted to and approved by such Engineer; nevertheless the Company shall not be entitled to require, either that Plans should be adopted which would involve a greater Expence than that incurred in the Execution of similar Works by the Company, or that the Plans selected should be executed in a more expensive Manner than that adopted in similar Cases by the Company.

LXXIII. The

LXXIII. The Company shall not be compelled to make any further or additional Accommodation Works for the Use of Owners and Occupiers of Land adjoining the Railway after the Expiration of the prescribed Period, or, if no Period be prescribed, after Five Years from the Completion of the Works, and the opening of the Railway for public Use.

Accommodation Works not to be required after Five Years.

LXXIV. Until the Company shall have made the Bridges or other proper Communications which they shall under the Provisions herein, or in the special Act, or any Act incorporated therewith, contained, have been required to make between Lands intersected by the Railway, and no longer, the Owners and Occupiers of such Lands, and any other Persons whose Right of Way shall be affected by the Want of such Communication, and their respective Servants, may at all Times freely pass and repass, with Carriages, Horses and other Animals, directly (but not otherwise) across the Part of the Railway made in or through their respective Lands, solely for the Purpose of occupying the same Lands, or for the Exercise of such Right of Way, and so as not to obstruct the Passage along the Railway, or to damage the same; nevertheless, if the Owner or Occupier of any such Lands have in his Arrangements with the Company received or agreed to receive Compensation for or on account of any such Communications, instead of the same being formed, such Owner or Occupier, or those claiming under him, shall not be entitled so to cross the Railway.

Owners to be allowed to cross until Accommodation Works are made.

LXXV. If any Person omit to shut and fasten any Gate set up at either Side of the Railway, for the Accommodation of the Owners or Occupiers of the adjoining Lands, as soon as he, and the Carriage, Cattle or other Animals, under his Care, have passed through the same, he shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

Penalty on Persons omitting to fasten Gates.

LXXVI. And be it enacted, That this or the special Act shall not prevent the Owners or Occupiers of Lands adjoining to the Railway, or any other Persons, from laying down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such Persons, any collateral Branches of Railway to communicate with the Railway, for the Purpose of bringing Carriages to or from or upon the Railway, but under and subject to the Provisions and Restrictions of an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and the Company shall, if required, at the Expence of such Owners and Occupiers and other Persons, and subject also to the Provisions of the said last-mentioned Act, make Openings in the Rails, and such additional Lines of Rail as may be necessary for effecting such Communication, in Places where the Communication can be made with Safety to the Public, and without Injury to the Railway, and without Inconvenience to the Traffic thereon; and the Company shall not take any Rate or Toll or other Monies for the passing of any Passengers, Goods, or other Things along any Branch so to be made by any such Owner or Occupier or other

Branch Railways.

Power to Parties to make private Branch Railways communicating with the Railway. 5 & 6 Vict. c. 55.

other Person; but this Enactment shall be subject to the following Restrictions and Conditions; (that is to say,)

Restrictions and Conditions.

No such Branch Railway shall run parallel to the Railway:

The Company shall not be bound to make any such Openings in any Place which they shall have set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane or Bridge, nor in any Tunnel:

The Persons making or using such Branch Railways shall be subject to all Bye Laws and Regulations of the Company from Time to Time made with respect to passing upon or crossing the Railway, and otherwise; and the Persons making or using such Branch Railways shall be bound to construct, and from Time to Time, as Need may require, to renew, the offset Plates and Switches according to the most approved Plan adopted by the Company, and under the Direction of their Engineer.

Working of Mines.

And with respect to Mines lying under or near the Railway, be it enacted as follows:

Company not to be entitled to Minerals.

LXXVII. The Company shall not be entitled to any Mines of Coal, Ironstone, Slate, or other Minerals under any Land purchased by them, except only such Parts thereof as shall be necessary to be dug or carried away or used in the Construction of the Works, unless the same shall have been expressly purchased; and all such Mines, excepting as aforesaid, shall be deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein and conveyed thereby.

Mines lying near the Railway not to be worked if the Company willing to purchase them.

LXXVIII. If the Owner, Lessee, or Occupier of any Mines or Minerals lying under the Railway, or any of the Works connected therewith, or within the prescribed Distance, or, where no Distance shall be prescribed, Forty Yards therefrom, be desirous of working the same, such Owner, Lessee, or Occupier shall give to the Company Notice in Writing of his Intention so to do Thirty Days before the Commencement of working; and upon the Receipt of such Notice it shall be lawful for the Company to cause such Mines to be inspected by any Person appointed by them for the Purpose; and if it appear to the Company that the working of such Mines or Minerals is likely to damage the Works of the Railway, and if the Company be willing to make Compensation for such Mines or any Part thereof to such Owner, Lessee, or Occupier thereof, then he shall not work or get the same; and if the Company, and such Owner, Lessee, or Occupier, do not agree as to the Amount of such Compensation, the same shall be settled as in other Cases of disputed Compensation.

If Company unwilling to purchase, Owner may work the Mines.

LXXIX. If before the Expiration of such Thirty Days the Company do not state their Willingness to treat with such Owner, Lessee, or Occupier for the Payment of such Compensation, it shall be lawful for him to work the said Mines or any Part thereof for which the Company shall not have agreed to pay Compensation, so that the same be done in a Manner proper and necessary for the beneficial working thereof, and according to the usual Manner of working such Mines

Mines in the District where the same shall be situate; and if any Damage or Obstruction be occasioned to the Railway or Works by improper working of such Mines, the same shall be forthwith repaired or removed, as the Case may require, and such Damage made good, by the Owner, Lessee, or Occupier of such Mines or Minerals, and at his own Expence; and if such Repair or Removal be not forthwith done, or, if the Company shall so think fit, without waiting for the same to be done by such Owner, Lessee, or Occupier, it shall be lawful for the Company to execute the same, and recover from such Owner, Lessee, or Occupier the Expence occasioned thereby, by Action in any of the Superior Courts. *Working of Mines.*

LXXX. If the working of any such Mines under the Railway or Works, or within the above-mentioned Distance therefrom, be prevented as aforesaid by reason of apprehended Injury to the Railway, it shall be lawful for the respective Owners, Lessees, and Occupiers of such Mines, and whose Mines shall extend so as to lie on both Sides of the Railway, to cut and make such and so many Airways, Headways, Gateways, or Water Levels through the Mines, Measures, or Strata, the working whereof shall be so prevented, as may be requisite to enable them to ventilate, drain, and work their said Mines, but no such Airway, Headway, Gateway, or Water Level shall be of greater Dimensions or Section than the prescribed Dimensions and Sections, and where no Dimensions shall be described not greater than Eight Feet wide and Eight Feet high, nor shall the same be cut or made upon any Part of the Railway or Works, or so as to injure the same, or to impede the Passage thereon. Mining Communications.

LXXXI. The Company shall from Time to Time pay to the Owner, Lessee, or Occupier of any such Mines extending so as to lie on both Sides of the Railway all such additional Expences and Losses as shall be incurred by such Owner, Lessee, or Occupier by reason of the Severance of the Lands lying over such Mines by the Railway, or of the continuous working of such Mines being interrupted as aforesaid, or by reason of the same being worked in such Manner and under such Restrictions as not to prejudice or injure the Railway, and for any Minerals not purchased by the Company which cannot be obtained by reason of making and maintaining the Railway; and if any Dispute or Question shall arise between the Company and such Owner, Lessee, or Occupier as aforesaid, touching the Amount of such Losses or Expences, the same shall be settled by Arbitration. Company to make Compensation for Injury done to Mines;

LXXXII. If any Loss or Damage be sustained by the Owner or Occupier of the Lands lying over any such Mines the working whereof shall have been so prevented as aforesaid (and not being the Owner, Lessee, or Occupier of such Mines), by reason of the making of any such Airway or other Work as aforesaid, which or any like Work would not have been necessary to be made but for the working of such Mines having been so prevented as aforesaid, the Company shall make full Compensation to such Owner or Occupier of the Surface Lands for the Loss or Damage so sustained by him. and also for any Airway or other Work made necessary by the Railway.

Power to Company to enter and inspect the working of Mines.

LXXXIII. For better ascertaining whether any such Mines are being worked or have been worked so as to damage the Railway or Works, it shall be lawful for the Company, after giving Twenty-four Hours Notice in Writing, to enter upon any Lands through or near which the Railway passes wherein any such Mines are being worked or are supposed so to be, and to enter into and return from any such Mines or the Works connected therewith; and for that Purpose it shall be lawful for them to make use of any Apparatus or Machinery belonging to the Owner, Lessee, or Occupier of such Mines, and to use all necessary Means for discovering the Distance from the Railway to the Parts of such Mines which are being worked or about so to be.

Penalty for Refusal to inspect.

LXXXIV. If any such Owner, Lessee, or Occupier of any such Mine shall refuse to allow any Person appointed by the Company for that Purpose to enter into and inspect any such Mines or Works in manner aforesaid, every Person so offending shall for every such Refusal forfeit to the Company a Sum not exceeding Twenty Pounds.

If Mines improperly worked, the Company may require Means to be adopted for the Safety of the Railway.

LXXXV. If it appear that any such Mines have been worked contrary to the Provisions of this or the special Act, the Company may, if they think fit, give Notice to the Owner, Lessee, or Occupier thereof to construct such Works and to adopt such Means as may be necessary or proper for making safe the Railway, and preventing Injury thereto; and if after such Notice any such Owner, Lessee, or Occupier do not forthwith proceed to construct the Works necessary for making safe the Railway, the Company may themselves construct such Works, and recover the Expence thereof from such Owner, Lessee, or Occupier by Action in any of the Superior Courts.

Passengers and Goods on Railway.

And with respect to the carrying of Passengers and Goods upon the Railway, and the Tolls to be taken thereon, be it enacted as follows:

Company to employ locomotive Power, Carriages, &c.

LXXXVI. It shall be lawful for the Company to use and employ locomotive Engines or other moving Power, and Carriages and Waggons to be drawn or propelled thereby, and to carry and convey upon the Railway all such Passengers and Goods as shall be offered to them for that Purpose, and to make such reasonable Charges in respect thereof as they may from Time to Time determine upon, not exceeding the Tolls by the special Act authorized to be taken by them.

Company empowered to contract with other Companies.

LXXXVII. It shall be lawful for the Company from Time to Time to enter into any Contract with any other Company, being the Owners or Lessees or in possession of any other Railway, for the Passage over or along the Railway by the special Act authorized to be made of any Engines, Coaches, Waggons, or other Carriages of any other Company, or which shall pass over any other Line of Railway, or for the Passage over any other Line of Railway of any Engines,

Engines, Coaches, Waggons, or other Carriages of the Company, or which shall pass over their Line of Railway, upon the Payment of such Tolls and under such Conditions and Restrictions as may be mutually agreed upon; and for the Purpose aforesaid it shall be lawful for the respective Parties to enter into any Contract for the Division or Apportionment of the Tolls to be taken upon their respective Railways. *Passengers and Goods on Railway.*

LXXXVIII. Provided always, That no such Contract as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the respective Companies, Parties to such Contracts, shall for the Time being be respectively authorized and entitled to demand or receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of any of the said Railways, upon the same Terms and Conditions, and on Payment of the same Tolls, as they would have been in case no such Contract had been entered into. Contracts not to affect Persons not Parties thereto.

LXXXIX. Nothing in this or the special Act contained shall extend to charge or make liable the Company further or in any other Case than where, according to the Laws of the Realm, Stage Coach Proprietors and Common Carriers would be liable, nor shall extend in any Degree to deprive the Company of any Protection or Privilege which Common Carriers or Stage Coach Proprietors may be entitled to; but, on the contrary, the Company shall at all Times be entitled to the Benefit of every such Protection and Privilege. Company not to be liable to a greater Extent than Common Carriers.

XC. And whereas it is expedient that the Company should be enabled to vary the Tolls upon the Railway so as to accommodate them to the Circumstances of the Traffic, but that such Power of varying should not be used for the Purpose of prejudicing or favouring particular Parties, or for the Purpose of collusively and unfairly creating a Monopoly, either in the Hands of the Company or of particular Parties; it shall be lawful, therefore, for the Company, subject to the Provisions and Limitations herein and in the special Act contained, from Time to Time to alter or vary the Tolls by the special Act authorized to be taken, either upon the whole or upon any particular Portions of the Railway, as they shall think fit; provided that all such Tolls be at all Times charged equally to all Persons, and after the same Rate, whether *per* Ton *per* Mile or otherwise, in respect of all Passengers, and of all Goods or Carriages of the same Description, and conveyed or propelled by a like Carriage or Engine, passing only over the same Portion of the Line of Railway under the same Circumstances; and no Reduction or Advance in any such Tolls shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the Railway. Power to vary Tolls. Tolls to be charged equally under like Circumstances.

XCI. And whereas Authority has been given by various Acts of Parliament to Railway Companies to demand Tolls for the Conveyance of Passengers and Goods and for other Services over the Fraction How Tolls to be calculated where Railways amalgamated.

Fraction of a Mile equal to the Toll which they are authorized to demand for One Mile; therefore, in Cases in which any Railway shall be amalgamated with any other adjoining Railway or Railways, such Tolls shall be calculated and imposed at such Rates as if such amalgamated Railways had originally formed One Line of Railway.

Railway to be free on Payment of Tolls.

XCII. It shall not be lawful for the Company at any Time to demand or take a greater Amount of Toll, or make any greater Charge for the Carriage of Passengers or Goods, than they are by this and the special Act authorized to demand; and upon Payment of the Tolls from Time to Time demandable all Companies and Persons shall be entitled to use the Railway, with Engines and Carriages properly constructed as by this and the special Act directed, subject nevertheless to the Provisions and Restrictions of the said Act of the Sixth Year of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*, and to the Regulations to be from Time to Time made by the Company by virtue of the Powers in that Behalf hereby and by the special Act conferred upon them.

5 & 6 Vict. c. 55.

List of Tolls to be exhibited on a Board.

XCIII. A List of all the Tolls authorized by the special Act to be taken, and which shall be exacted by the Company, shall be published by the same being painted upon One Toll Board or more in distinct Black Letters on a White Ground, or White Letters on a Black Ground, or by the same being printed in legible Characters on Paper affixed to such Board, and by such Board being exhibited in some conspicuous Place on the Stations or Places where such Tolls shall be made payable.

Milestones.

XCIV. The Company shall cause the Length of the Railway to be measured, and Milestones, Posts, or other conspicuous Objects to be set up and maintained along the whole Line thereof, at the Distance of One Quarter of a Mile from each other, with Numbers or Marks inscribed thereon denoting such Distances.

Tolls to be taken only whilst Board exhibited and Milestones set up.

XCV. No Tolls shall be demanded or taken by the Company for the Use of the Railway during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited, or at which the Milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any Person wilfully pull down, deface, or destroy any such Board or Milestone, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Tolls to be paid as directed by the Company.

XCVI. The Tolls shall be paid to such Persons, and at such Places upon or near to the Railway, and in such Manner and under such Regulations, as the Company shall, by Notice to be annexed to the List of Tolls, appoint.

In default of Payment of Tolls, Goods, &c. may be detained and sold.

XCVII. If, on demand, any Person fail to pay the Tolls due in respect of any Carriage or Goods, it shall be lawful for the Company to detain and sell such Carriage, or all or any Part of such Goods, or, if the same shall have been removed from the Premises of the Company, to detain and sell any other Carriages or Goods within such

Premises belonging to the Party liable to pay such Tolls, and out of the Monies arising from such Sale to retain the Tolls payable as aforesaid, and all Charges and Expences of such Detention and Sale, rendering the Overplus, if any, of the Monies arising by such Sale, and such of the Carriages or Goods as shall remain unsold, to the Person entitled thereto, or it shall be lawful for the Company to recover any such Tolls by Action at Law. *Passengers and Goods on Railway.*

XCVIII. Every Person being the Owner or having the Care of any Carriage or Goods passing or being upon the Railway shall, on demand, give to the Collector of Tolls, at the Places where he attends for the Purpose of receiving Goods or of collecting Tolls for the Part of the Railway on which such Carriage or Goods may have travelled or be about to travel, an exact Account in Writing signed by him of the Number or Quantity of Goods conveyed by any such Carriage, and of the Point on the Railway from which such Carriage or Goods have set out or are about to set out, and at what Point the same are intended to be unloaded or taken off the Railway; and if the Goods conveyed by any such Carriage, or brought for Conveyance as aforesaid, be liable to the Payment of different Tolls, then such Owner or other Person shall specify the respective Numbers or Quantities thereof liable to each or any of such Tolls. Account of Lading, &c. to be given.

XCIX. If any such Owner or other such Person fail to give such Account, or to produce his Way-bill or Bill of Lading, to such Collector or other Officer or Servant of the Company demanding the same, or if he give a false Account, or if he unload or take off any Part of his Lading or Goods at any other Place than shall be mentioned in such Account, with Intent to avoid the Payment of any Tolls payable in respect thereof, he shall for every such Offence forfeit to the Company a Sum not exceeding Ten Pounds for every Ton of Goods, or for any Parcel not exceeding One Hundred Weight, and so in proportion for any less Quantity of Goods than One Ton, or for any Parcel exceeding One Hundred Weight, (as the Case may be,) which shall be upon any such Carriage; and such Penalty shall be in addition to the Toll to which such Goods may be liable. Penalty for not giving Account of Lading.

C. If any Dispute arise concerning the Amount of the Tolls due to the Company, or concerning the Charges occasioned by any Detention or Sale thereof under the Provisions herein or in the special Act contained, the same shall be settled by a Justice; and it shall be lawful for the Company in the meanwhile to detain the Goods, or (if the Case so require) the Proceeds of the Sale thereof. Disputes as to Amount of Tolls chargeable.

CI. If any Difference arise between any Toll Collector or other Officer or Servant of the Company and any Owner of or Person having the Charge of any Carriage passing or being upon the Railway, or of any Goods conveyed or to be conveyed by such Carriage, respecting the Weight, Quantity, Quality, or Nature of such Goods, such Collector or other Officer may lawfully detain such Carriage or Goods, and examine, weigh, gauge, or otherwise measure the same; and if upon such measuring or Examination such Goods appear to be Differences as to Weights, &c.

Passengers and Goods on Railway.

of greater Weight or Quantity or of other Nature than shall have been stated in the Account given thereof, then the Person who shall have given such Account shall pay, and the Owner of such Carriage, or the respective Owners of such Goods, shall also, at the Option of the Company, be liable to pay, the Costs of such measuring and examining; but if such Goods appear to be of the same or less Weight or Quantity than and of the same Nature as shall have been stated in such Account, then the Company shall pay such Costs, and they shall also pay to such Owner of or Person having Charge of such Carriage, and to the respective Owners of such Goods, such Damage (if any) as shall appear to any Justice, on a summary Application to him for that Purpose, to have arisen from such Detention.

Toll Collector to be liable for wrongful Detention of Goods.

CII. If at any Time it be made to appear to any Justice, upon the Complaint of the Company, that any such Detention, measuring, or examining of any Carriage or Goods, as herein-before mentioned, was without reasonable Ground, or that it was vexatious on the Part of such Collector or other Officer, then the Collector or other Officer shall himself pay the Costs of such Detention and measuring, and the Damage occasioned thereby; and in default of immediate Payment of any such Costs or Damage the same may be recovered by Distress of the Goods of such Collector, and such Justice shall issue his Warrant accordingly.

Penalty on Passengers practising Frauds on the Company.

CIII. If any Person travel or attempt to travel in any Carriage of the Company, or of any other Company or Party using the Railway, without having previously paid his Fare, and with Intent to avoid Payment thereof, or if any Person, having paid his Fare for a certain Distance, knowingly and wilfully proceed in any such Carriage beyond such Distance, without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof, or if any Person knowingly and wilfully refuse or neglect, on arriving at the Point to which he has paid his Fare, to quit such Carriage, every such Person shall for every such Offence forfeit to the Company a Sum not exceeding Forty Shillings.

Detention of Offenders.

CIV. If any Person be discovered, either in or after committing or attempting to commit any such Offence as in the preceding Enactment mentioned, all Officers and Servants and other Persons on behalf of the Company, or such other Company or Party as aforesaid, and all Constables, Gaolers, and Peace Officers, may lawfully apprehend and detain such Person until he can conveniently be taken before some Justice, or until he be otherwise discharged by due Course of Law.

Penalty for bringing dangerous Goods on the Railway.

CV. No Person shall be entitled to carry, or to require the Company to carry, upon the Railway, any Aquafortis, Oil of Vitriol, Gunpowder, Lucifer Matches, or any other Goods which in the Judgment of the Company may be of a dangerous Nature; and if any Person send by the Railway any such Goods without distinctly marking their Nature on the Outside of the Package containing the same, or otherwise giving Notice in Writing to the Book-keeper or other Servant of the Company with whom the same are left, at the Time of

so sending, he shall forfeit to the Company Twenty Pounds for every such Offence; and it shall be lawful for the Company to refuse to take any Parcel that they may suspect to contain Goods of a dangerous Nature, or require the same to be opened to ascertain the Fact. *Passengers and Goods on Railway.*

CVI. If any Collector of Tolls or other Officer employed by the Company be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector or other Officer, or the Wife, Widow, or any of the Family or Representatives of any such Collector or other Officer, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Company, or to any Person appointed by them for that Purpose, any Station, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Company in the Possession or Custody of any such Collector or Officer at the Occurrence of any such Event as aforesaid, then, upon Application being made by the Company to any Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Station or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Company, or any Person appointed by them for that Purpose. Delivery of Matters in Possession or Custody of Toll Collector at Removal.

CVII. And be it enacted, That the Company shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this or the special Act for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Directors, or some of them, and by the Auditors, and shall, if required, transmit a Copy of the said Account, free of Charge, to the Overseers of the Poor of the several Parishes through which the Railway shall pass, and also to the Clerks of the Peace of the Counties through which the Railway shall pass, on or before the Thirty-first Day of *January* then next; which last-mentioned Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid, if required so to do by any such Clerk of the Peace or Overseers of the Poor, they shall forfeit for every such Omission the Sum of Twenty Pounds. Annual Account to be made up, and a Copy transmitted to the Clerk of the Peace, &c.

And with respect to the regulating of the Use of the Railway, be it enacted as follows: *Bye Laws.*

CVIII. It shall be lawful for the Company, from Time to Time, subject to the Provisions and Restrictions in this and the special Act contained, to make Regulations for the following Purposes; (that is to say,) Company to regulate the Use of the Railway.

For regulating the Mode by which and the Speed at which Carriages using the Railway are to be moved or propelled;

For

Bye Laws.

For regulating the Times of the Arrival and Departure of any such Carriages;

For regulating the loading or unloading of such Carriages, and the Weights which they are respectively to carry;

For regulating the Receipt and Delivery of Goods and other Things which are to be conveyed upon such Carriages;

For preventing the smoking of Tobacco, and the Commission of any other Nuisance, in or upon such Carriages, or in any of the Stations or Premises occupied by the Company;

And, generally, for regulating the travelling upon, or using and working of the Railway:

But no such Regulation shall authorize the closing of the Railway, or prevent the Passage of Engines or Carriages on the Railway, at reasonable Times, except at any Time when in consequence of any of the Works being out of repair, or from any other sufficient Cause, it shall be necessary to close the Railway or any Part thereof.

Power to make Regulations by Bye Laws. 3 & 4 Vict. c. 97.

CIX. For better enforcing the Observance of all or any of such Regulations it shall be lawful for the Company, subject to the Provisions of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways*, to make Bye Laws, and from Time to Time to repeal or alter such Bye Laws, and make others, provided that such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have Effect, or to the Provisions of this or the special Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and any Person offending against any such Bye Law shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be imposed by the Company in such Bye Laws as a Penalty for any such Offence; and if the Infraction or Non-observance of any such Bye Law or other such Regulation as aforesaid be attended with Danger or Annoyance to the Public, or Hindrance to the Company in the lawful Use of the Railway, it shall be lawful for the Company summarily to interfere to obviate or remove such Danger, Annoyance, or Hindrance, and that without Prejudice to any Penalty incurred by the Infraction of any such Bye Law.

Publication of such Bye Laws.

CX. The Substance of such last-mentioned Bye Laws, when confirmed or allowed according to the Provisions of any Act in force regulating the Allowance or Confirmation of the same, shall be painted on Boards, or printed on Paper and pasted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of every Wharf or Station belonging to the Company, according to the Nature or Subject Matter of such Bye Laws respectively, and so as to give public Notice thereof to the Parties interested therein or affected thereby; and such Boards shall from Time to Time be renewed as often as the Bye Laws thereon or any Part thereof shall be obliterated or destroyed; and no Penalty imposed by any such Bye Law shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

CXI. Such

Such Bye Laws to be binding on all Parties.

CXI. Such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same; and for Proof of the Publication of any such Bye Laws it shall be sufficient to prove that a printed Paper or painted Board, containing a Copy of such Bye Laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such Paper or Board was replaced as soon as conveniently might be.

Leasing of Railway.

And with respect to leasing the Railway, be it enacted as follows:

Exercise of Power to lease the Railway.

CXII. Where the Company shall be authorized by the special Act to lease the Railway or any Part thereof to any Company or Person, the Lease to be executed in pursuance of such Authority shall contain all usual and proper Covenants on the Part of the Lessee for maintaining the Railway, or the Portion thereof comprised in such Lease, in good and efficient Repair and working Condition during the Continuance thereof, and for so leaving the same at the Expiration of the Term thereby granted, and such other Provisions, Conditions, Covenants, and Agreements as are usually inserted in Leases of a like Nature.

Powers vested in the Company may be exercised by the Lessees.

CXIII. Such Lease shall entitle the Company or Person to whom the same shall be granted to the free Use of the Railway or Portion of Railway comprised therein, and during the Continuance of any such Lease all the Powers and Privileges granted to and which might otherwise be exercised and enjoyed by the Company, or the Directors thereof, or their Officers, Agents, or Servants, by virtue of this or the special Act, with regard to the Possession, Enjoyment, and Management of the Railway, or of the Part thereof comprised in such Lease, and the Tolls to be taken thereon, shall be exercised and enjoyed by the Lessee, and the Officers and Servants of such Lessee, under the same Regulations and Restrictions as are by this or the special Act imposed on the Company, and their Directors, Officers, and Servants; and such Lessee shall, with respect to the Railway comprised in such Lease, be subject to all the Obligations by this or the special Act imposed on the Company.

Carriages and Engines.

And with respect to the Engines and Carriages to be brought on the Railway, be it enacted as follows:

Engines to consume their Smoke.

CXIV. Every locomotive Steam Engine to be used on the Railway shall, if it use Coal or other similar Fuel emitting Smoke, be constructed on the Principle of consuming and so as to consume its own Smoke; and if any Engine be not so constructed the Company or Party using such Engine shall forfeit Five Pounds for every Day during which such Engine shall be used on the Railway.

Engines to be approved by the Company, and Certificate

CXV. No locomotive or other Engine, or other Description of moving Power, shall at any Time be brought upon or used on the Railway unless the same have first been approved of by the Company; and within Fourteen Days after Notice given to the Company

of Approval given.

by any Party desirous of bringing any such Engine on the Railway the Company shall cause their Engineer or other Agent to examine such Engine at any Place within Three Miles Distance from the Railway to be appointed by the Owner thereof, and to report thereon to the Company; and within Seven Days after such Report, if such Engine be proper to be used on the Railway, the Company shall give a Certificate to the Party requiring the same of their Approval of such Engine; and if at any Time the Engineer or other Agent of the Company report that any Engine used upon the Railway is out of repair, or unfit to be used upon the Railway, the Company may require the same to be taken off, or may forbid its Use upon the Railway until the same shall have been repaired to the Satisfaction of the Company, and upon the Engine being so repaired the Company shall give a Certificate to the Party requiring the same of their Approval of such Engine; and if any Difference of Opinion arise between the Company and the Owner of any such Engine as to the Fitness or Unfitness thereof for the Purpose of being used on the Railway, such Difference shall be settled by Arbitration.

Unfit Engines to be removed.

Penalty for using improper Engines.

CXVI. If any Person, whether the Owner or other Person having the Care thereof, bring or use upon the Railway any locomotive or other Engine, or any moving Power, without having first obtained such Certificate of Approval as aforesaid, or if, after Notice given by the Company to remove any such Engine from the Railway, such Person do not forthwith remove the same, or if, after Notice given by the Company not to use any such Engine on the Railway, such Person do so use such Engine, without having first repaired the same to the Satisfaction of the Company, and obtained such Certificate of Approval, every such Person shall in any of the Cases aforesaid forfeit to the Company a Sum not exceeding Twenty Pounds; and in any such Case it shall be lawful for the Company to remove such Engine from the Railway.

Carriages to be constructed according to Company's Regulations.

CXVII. No Carriage shall pass along or be upon the Railway (except in directly crossing the same, as herein or by the special Act authorized,) unless such Carriage be at all Times, so long as it shall be used or shall remain on the Railway, of the Construction and in the Condition which the Regulations of the Company for the Time being shall require; and if any Dispute arise between the Company and the Owner of any such Carriage as to the Construction or Condition thereof, in reference to the then existing Regulations of the Company, such Dispute shall be settled by Arbitration.

Regulations to apply also to Company's Carriages.

CXVIII. The Regulations from Time to Time to be made by the Company respecting the Carriages to be used on the Railway shall be drawn up in Writing, and be authenticated by the Common Seal of the Company, and shall be applicable alike to the Carriages of the Company and to the Carriages of other Companies or Persons using the Railway; and a Copy of such Regulations shall, on Demand, be furnished by the Secretary of the Company to any Person applying for the same.

CXIX. If

CXIX. If any Carriage, not being of such Construction or in such Condition as the Regulations of the Company for the Time being require, be made to pass or be upon any Part of the Railway (except as aforesaid), the Owner thereof, or any Person having for the Time being the Charge of such Carriage, shall forfeit to the Company a Sum not exceeding Ten Pounds for every such Offence, and it shall be lawful for the Company to remove any such Carriage from the Railway.

Penalty for using improper Carriages.

CXX. The respective Owners of Carriages using the Railway shall cause to be entered with the Secretary or other Officer of the Company appointed for that Purpose the Names and Places of Abode of the Owners of such Carriages respectively, and the Numbers, Weights, and Gauges of their respective Carriages; and such Owners shall also, if so required by the Company, cause the same Particulars to be painted in legible Characters on some conspicuous Part of the Outside of every such Carriage, so as to be always open to View; and every such Owner shall, whenever required by the Company, permit his Carriage to be weighed, measured, or gauged at the Expence of the Company.

Owner's Name, &c. to be registered, and exhibited on Carriages.

CXXI. If the Owner of any Carriage fail to comply with the Requisitions contained in the preceding Enactment, it shall be lawful for the Company to refuse to allow such Carriage to be brought upon the Railway, or to remove the same therefrom until such Compliance.

On Non-compliance Carriage may be removed.

CXXII. If the Loading of any Carriage using the Railway be such as to be liable to Collision with other Carriages properly loaded, or to be otherwise dangerous, or if the Person having the Care of any Carriage or Goods upon the Railway suffer the same or any Part thereof to remain on the Railway so as to obstruct the Passage or working thereof, it shall be lawful for the Company to cause such Carriage or Goods to be unloaded and removed in any Manner proper for preventing such Collision or Obstruction, and to detain such Carriage or Goods, or any Part thereof, until the Expences occasioned by such unloading, Removal, or Detention be paid.

Carriages improperly loaded, or suffered to obstruct the Road, may be unloaded or removed.

CXXIII. The Company shall not be liable for any Damage or Loss occasioned by any such unloading, Removal, or Detention as aforesaid, except for Damage wilfully or negligently done to any Carriage or Goods so unloaded, removed, or detained; nor shall they be liable for the safe Custody of any such Carriage or Goods so detained, unless the same be wrongfully detained by them, and then only for so long a Time as the same shall have been so wrongfully detained.

Company not to be liable for Damage by such unloading, &c.

CXXIV. The respective Owners of Engines and Carriages passing or being upon the Railway shall be answerable for any Trespass or Damage done by their Engines or Carriages, or by any of the Servants or Persons employed by them, to or upon the Railway, or the Machinery or Works belonging thereto, or to or upon the Property of any other Person; and every such Servant or other Person may lawfully be convicted of such Trespass or Damage before any Two Justices

Owners liable for Damage by their Servants.

Carriages and Engines.

Justices of the Peace, either by the Confession of the Party offending, or upon the Oath of some credible Witness; and upon such Conviction every such Owner shall pay to the Company, or to the Person injured, as the Case may be, the Damage to be ascertained by such Justices, so that the same do not exceed Fifty Pounds.

Owners may recover from Servants.

CXXV. It shall be lawful for any Owner of an Engine or Carriage who shall pay the Amount of any Damage caused by the Misfeasance or Negligence of any Servant or other Person employed by him to recover the Amount so paid by him from such Servant or other Person by the same Means as the Company are enabled to recover the Amount of such Damage from the Owner of any Engine or Carriage.

Arbitration.

And with respect to the Settlement of Disputes by Arbitration, be it enacted as follows:

Appointment of Arbitrators when Questions are to be determined by Arbitration.

CXXVI. When any Dispute authorized or directed by this or the special Act, or any Act incorporated therewith, to be settled by Arbitration, shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbitrator, each Party, on the Request of the other Party, shall nominate and appoint an Arbitrator to whom such Dispute shall be referred; and every Appointment of an Arbitrator shall be made on the Part of the Company, under the Hand of the Secretary or any Two of the Directors of the Company, and on the Part of any other Party under the Hand of such Party, or if such Party be a Corporation aggregate, under the Common Seal of such Corporation, and such Appointment shall be delivered to the Arbitrators, and shall be deemed a Submission to Arbitration on the Part of the Party by whom the same shall be made; and after any such Appointment shall have been made neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of either Party operate as a Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing, in which shall be stated the Matters so required to be referred to Arbitration, shall have been served by the one Party on the other Party to appoint an Arbitrator, such last-mentioned Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties; and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute; and in such Case the Award or Determination of such single Arbitrator shall be final.

Vacancy of Arbitrator to be supplied.

CXXVII. If before the Matters so referred shall be determined any Arbitrator appointed by either Party die, or become incapable to act, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place, and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so the remaining or other Arbitrator may proceed *ex parte;* and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities

as were vested in the former Arbitrator at the Time of such his Death or Incapacity as aforesaid. *Arbitration.*

Appointment of Umpire.

CXXVIII. Where more than One Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the Matters referred to them, nominate and appoint by Writing under their Hands an Umpire to decide on any such Matters on which they shall differ, or which shall be referred to him under this or the special Act; and if such Umpire shall die, or become incapable to act, they shall forthwith after such Death or Incapacity appoint another Umpire in his Place; and the Decision of every such Umpire on the Matters so referred to him shall be final.

Board of Trade empowered to appoint an Umpire, on Neglect of the Arbitrators.

CXXIX. If in either of the Cases aforesaid the said Arbitrators shall refuse, or shall for Seven Days after Request of either Party to such Arbitration neglect to appoint an Umpire, the Board of Trade shall, on the Application of either Party to such Arbitration, appoint an Umpire; and the Decision of such Umpire on the Matters on which the Arbitrators shall differ, or which shall be referred to him under this or the special Act, shall be final.

In case of Death of single Arbitrator the Matter to begin de novo.

CXXX. If, where a single Arbitrator shall have been appointed, such Arbitrator shall die, or become incapable to act, before he shall have made his Award, the Matters referred to him shall be determined by Arbitration, under the Provisions of this or the special Act, in the same Manner as if such Arbitrator had not been appointed.

If either Arbitrator refuse to act the other to proceed ex parte.

CXXXI. If, where more than One Arbitrator shall have been appointed, either of the Arbitrators refuse, or for Seven Days neglect to act, the other Arbitrator may proceed *ex parte*, and the Decision of such other Arbitrator shall be as effectual as if he had been the single Arbitrator appointed by both Parties.

If Arbitrators fail to make their Award within Twenty-one Days the Matter to go to the Umpire.

CXXXII. If, where more than One Arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such Arbitrators shall fail to make their Award within Twenty-one Days after the Day on which the last of such Arbitrators shall have been appointed, or within such extended Time, if any, as shall have been appointed for that Purpose by both such Arbitrators under their Hands, the Matter referred to them shall be determined by the Umpire to be appointed as aforesaid.

Power for Arbitrators to call for Books, &c.

CXXXIII. The said Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator and Umpire to make Declaration.

CXXXIV. Before any Arbitrator or Umpire shall enter into the Consideration of any Matters referred to him he shall, in the Presence of a Justice, make and subscribe the following Declaration; that is to say,

Arbitration.

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me, under the Provisions of the Act [*naming the special Act*]. *A.B.*

'Made and subscribed in the Presence of .'

And such Declaration shall be annexed to the Award when made; and if any Arbitrator or Umpire, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Costs to be in the Discretion of the Arbitrators.

CXXXV. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the Costs of and attending every such Arbitration, to be determined by the Arbitrators, shall be in the Discretion of the Arbitrators.

Submission to Arbitration may be made a Rule of Court.

CXXXVI. The Submission to any such Arbitration may be made a Rule of any of the Superior Courts, on the Application of either of the Parties.

The Award not to be set aside for Matter of Form.

CXXXVII. No Award made with respect to any Question referred to Arbitration under the Provisions of this or the special Act shall be set aside for Irregularity or Error in Matter of Form.

Service of Notices upon Company.

CXXXVIII. And be it enacted, That any Summons or Notice, or any Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Company, may be served by the same being left at or transmitted through the Post directed to the principal Office of the Company, or One of their principal Offices where there shall be more than One, or being given personally to the Secretary, or in case there be no Secretary then by being given to any One Director of the Company.

Tender of Amends.

CXXXIX. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, be it enacted as follows:

Provision for Damages not otherwise provided for.

CXL. In all Cases where any Damages, Costs, or Expences are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the Method of ascertaining the Amount or

enforcing the Payment thereof is not provided for, such Amount, in case of Dispute, shall be ascertained and determined by Two Justices; and if the Amount so ascertained be not paid by the Company or other Party liable to pay the same within Seven Days after Demand, the Amount may be recovered by Distress of the Goods of the Company or other Party liable as aforesaid; and the Justices by whom the same shall have been ordered to be paid, or either of them, or any other Justice, on Application, shall issue their or his Warrant accordingly. *Recovery of Damages and Penalties.*

CXLI. If sufficient Goods of the Company cannot be found whereon to levy any such Damages, Costs, and Expences payable by the Company, the same may, if the Amount thereof do not exceed Twenty Pounds, be recovered by Distress of the Goods of the Treasurer of the Company; and the Justices aforesaid, or either of them, on Application, shall issue their or his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence; and if such Treasurer pay any Money under such Distress as aforesaid he may retain the Amount so paid by him, and all Cost and Expences occasioned thereby, out of any Money belonging to the Company, coming into his Custody or Control, or he may sue the Company for the same. Distress against the Treasurer.

CXLII. Where in this or the special Act any Question of Compensation, Expences, Charges, or Damages, or other Matter, is referred to the Determination of any One Justice or more, it shall be lawful for any Justice, upon the Application of either Party, to summon the other Party to appear before One Justice, or before Two Justices, as the Case may require, at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such One Justice, or such Two Justices, as the Case may be, to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and their Witnesses, on Oath; and the Cost of every such Inquiry shall be in the Discretion of such Justices, and they shall determine the Amount thereof. Method of proceeding before Justices in Questions of Damages, &c.

CXLIII. The Company shall publish the short Particulars of the several Offences for which any Penalty is imposed by this or the special Act, or by any Bye Law of the Company affecting other Persons than the Shareholders, Officers, or Servants of the Company, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty Publication of Penalties.

Recovery of Damages and Penalties.

Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalty for defacing Boards used for such Publication.

CXLIV. If any Person pull down or injure any Board put up or affixed as required by this or the special Act for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expences attending the Restoration of such Board.

Penalties to be summarily recovered before Two Justices.

CXLV. Every Penalty or Forfeiture imposed by this or the special Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before Two Justices; and on Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear before Two Justices at a Time and Place to be named in such Summons, and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the due Service of such Summons, it shall be lawful for any Two Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CXLVI. If forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Distress, and such Justices, or either of them, shall issue their or his Warrant of Distress accordingly.

Imprisonment in default of Distress.

CXLVII. It shall be lawful for any such Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justice whereon to levy such Penalty or Forfeiture and Costs, he may, if he thinks fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not

not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied. *Recovery of Damages and Penalties.*

CXLVIII. Where in this or the special Act, or any Act incorporated therewith, any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on demand, to the Party whose Goods shall have been distrained. Distress how to be levied.

CXLIX. No Distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case. Distress not unlawful for Want of Form.

CL. The Justices by whom any such Penalty or Forfeiture shall be imposed may, where the Application thereof is not otherwise provided for, award not more than One Half thereof to the Informer, and shall award the Remainder to the Overseers of the Poor of the Parish in which the Offence shall have been committed, to be applied in aid of the Poor's Rate of such Parish, or if the Place wherein the Offence shall have been committed shall be extra-parochial, then such Justices shall direct such Remainder to be applied in aid of the Poor's Rate of such extra-parochial Place, or, if there shall not be any Poor's Rate therein, in aid of the Poor's Rate of any adjoining Parish or District. Application of Penalties.

CLI. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence. Penalties to be sued for within Six Months.

CLII. If, through any Act, Neglect, or Default on account whereof any Person shall have incurred any Penalty imposed by this or the special Act, any Damage to the Property of the Company shall have been committed by such Person, he shall be liable to make good such Damage as well as to pay such Penalty; and the Amount of such Damages shall, in case of Dispute, be determined by the Justices by whom the Party incurring such Penalty shall have been convicted; and on Nonpayment of such Damages, on demand, the same shall be levied by Distress, and such Justices, or One of them, shall issue their or his Warrant accordingly. Damage to be made good in addition to Penalty.

CLIII. It shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice Penalty on Witnesses making Default.

Recovery of Damages and Penalties.

Justice shall have Jurisdiction under the Provisions of this or the special Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CLIV. It shall be lawful for any Officer or Agent of the Company, and all Persons called by him to his Assistance, to seize and detain any Person who shall have committed any Offence against the Provisions of this or the special Act, and whose Name and Residence shall be unknown to such Officer or Agent, and convey him, with all convenient Despatch, before some Justice, without any Warrant or other Authority than this or the special Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CLV. The Justices before whom any Person shall be convicted of any Offence against this or the special Act, or any Act incorporated therewith, may cause the Conviction to be drawn up according to the Form in the Schedule to this Act annexed.

Proceedings not to be quashed for Want of Form, &c.

CLVI. No Proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Parties allowed to appeal to Quarter Sessions on giving Security.

CLVII. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this or the special Act, or any Act incorporated therewith, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CLVIII. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make

such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Recovery of Damages and Penalties.

CLIX. Provided always, and be it enacted, That notwithstanding any thing herein or in the special Act, or any Act incorporated therewith, contained, every Penalty or Forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law in pursuance thereof, in respect of any Offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, and, except where the Application thereof is otherwise specially provided for, shall be paid to the Receiver of the Metropolitan Police District, and shall be applied in the same Manner as Penalties or Forfeitures, other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis;* and every Order or Conviction of any of the Police Magistrates in respect of any such Forfeiture or Penalty shall be subject to the like Appeal, and upon the same Terms, as is provided in respect of any Order or Conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any Order or Conviction shall have been made shall have the same Power of binding over the Witnesses who shall have been examined, and such Witnesses shall be entitled to the same Allowance of Expences as he or they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance of the Provisions of the said last-mentioned Act.

Receiver of Metropolitan Police District to receive Penalties incurred within his District.

2 & 3 Vict. c. 71.

CLX. And be it enacted, That every Person who, upon any Examination upon Oath, under the Provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

Persons giving false Evidence liable to Penalties of Perjury.

CLXI. And be it declared and enacted, That all Sums of Money which have been or shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery of *Ireland*, under the Provisions of an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Custody of certain Monies paid in pursuance of the Standing Orders of either House of Parliament by Subscribers to Works or Undertakings to be effected under the Authority of Parliament*, shall and may be paid out and applied under any Order of the said Court of Chancery exempt from Ushers Poundage.

Money paid into the Bank of Ireland to be exempt from Ushers Poundage. 1 & 2 Vict. c. 117.

Access to special Act.

And with respect to the Provision to be made for affording Access to the special Act by all Parties interested, be it enacted as follows:

CLXII. The Company shall at all Times after the Expiration of Six Months after the passing of the special Act keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them; shall also within the Space

Copies of special Act to be kept and deposited, and allowed to be inspected.

Access to special Act.

Space of such Six Months deposit in the Office of each of the Clerks of the Peace of the several Counties into which the Works shall extend a Copy of such special Act, so printed as aforesaid; and the said Clerks of the Peace shall receive, and they and the Company respectively shall retain, the said Copies of the special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Penalty on Company failing to keep or deposit such Copies.

CLXIII. If the Company shall fail to keep or deposit, as hereinbefore mentioned, any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

Act not to extend to Scotland.

CLXIV. And be it enacted, That this Act shall not extend to *Scotland*.

Act may be amended this Session.

CLXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

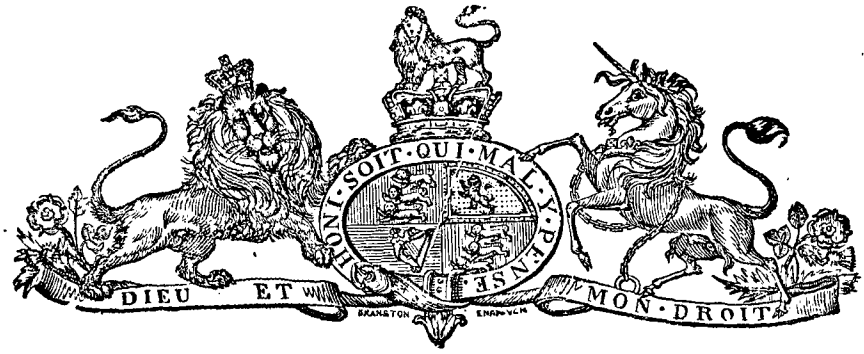
SCHEDULE referred to by the forgeoing Act.

to wit.

BE it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before us, *C.*, *D.*, Two of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under our Hands and Seals the Day and Year first above written.

C.
D.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXI.

An Act to amend an Act of the Fifty-third of *George* the Third, for appointing a Stipendiary Magistrate for the Townships of *Manchester* and *Salford;* and to provide a Stipendiary Magistrate for the Division of *Manchester*. [8th *May* 1845.]

WHEREAS an Act was passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace within the Townships of* Manchester *and* Salford *in the Hundred of* Salford *in the County Palatine of* Lancaster; *and to provide, by means of a Rate in the said Townships and otherwise, a competent Salary to a Justice of the Peace acting within the said Townships; and to enable the Constables of* Manchester *and* Salford *to take Recognizances in certain Cases:* And whereas by the said Act it was provided that the Justice to be appointed under the Provisions thereof should reside within One Mile of the Exchange in the Town of *Manchester*, or of the *New Bailey* Court House in the Town of *Salford*, and should daily (*Sundays* excepted) attend at the *New Bailey* Court House in *Salford;* and it was thereby also provided that the said Township of *Manchester* should contribute Seven Eighth Parts, and the said Township of *Salford* One Eighth Part of the Salary payable to such Justice, which Salary was by the said Act fixed 53 G. 3. c. 72.

fixed at the Sum of One thousand Pounds *per Annum*: And whereas since the passing of the said Act Her present Majesty has been pleased (in pursuance of the Powers and Provisions of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales,) to grant a Charter of Incorporation to the said Township of *Manchester*, and the adjoining Townships of *Chorlton-upon-Medlock*, *Hulme*, *Ardwick*, *Cheetham*, and the extra-parochial District of *Beswick*, and also to grant a Charter of Incorporation to the said Township of *Salford*, and Part of the adjoining Township of *Broughton*, and has by such several Charters conferred upon the said incorporated Boroughs of *Manchester* and *Salford* respectively all the Powers and Provisions of the said last-mentioned Act: And whereas a separate Commission of the Peace has been granted to and for the Borough of *Manchester*, and a salaried Police Magistrate has been appointed for the same Borough; and by an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to alter and amend an Act of the Fifty-third Year of King* George *the Third, for the Appointment of a Stipendiary Magistrate to act within the Townships of* Manchester *and* Salford, all the Powers and Provisions of the said recited Act of the Fifty-third Year of King *George* the Third, so far as they authorized, directed, or required the Payment by the said Township of *Manchester* of any Part of the Salary payable to the Police Magistrate thereunder appointed, or which authorized the making or levying of any Rate within the said Township of *Manchester* for the Purpose of raising such Salary or any Part thereof, and also any Provisions which directed, authorized, or required the Payment to the said Township of *Manchester*, or to any Person or Persons on behalf of such Township, of any Part or Portion of the Recognizances taken and estreated in the said County Palatine of *Lancaster*, have been repealed: And whereas the several Townships or Places of *Worsley*, *Barton-upon-Irwell*, *Clifton*, *Pendlebury*, *Pendleton*, *Flixton*, *Urmston*, *Blakely*, *Bradford*, *Broughton*, *Burnage*, *Chorlton-with-Hardy*, *Crumpsall*, *Didsbury*, *Failsworth*, *Gorton*, *Harpurhey*, *Lavenshulme*, *Moss-side*, *Moston*, *Newton*, *Openshaw*, *Reddish*, *Rusholme*, *Salford*, *Stretford*, *Withington*, *Great Heaton*, *Little Heaton*, *Prestwich*, and *Heaton Norris*, now compose the Division of *Manchester*, and have hitherto had the Benefit of the Services of the Justice appointed under the said herein-before first-recited Act; and it is desirable, for the due and uniform Administration of Justice within the said Division, which contains a Population of One hundred and fifty thousand or thereabouts, and for the Protection and Security of the Persons and Property of the Inhabitants thereof, that a fit and proper Person appointed or to be appointed under the said first-recited Act should continue to execute the Office of a Justice of the Peace within the said Division, and to receive a competent Remuneration for his Trouble: And whereas it is just and expedient that the said Municipal Borough of *Salford* should contribute a definite Portion of the Salary payable to the said Justice, and that such Part of the said Townships of *Broughton* and *Heaton Norris* as are not included in either of the said Boroughs of *Salford* and *Stockport*, and all the said other Townships, Parts of Townships, or Places herein-before enumerated or mentioned, and

7 & 8 Vict. c. 30.

now composing the Division of *Manchester* as aforesaid, should also contribute to the Payment of such Salary; and with that Intent it is necessary that the Provisions of the said first-recited Act should be amended, and that Provision should be made for the Appointment and Payment of Clerks to the said Justice, and that the said Act should be in other respects varied and altered: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *July* One thousand eight hundred and forty-five so much of the said recited Act of the Fifty-third Year of King *George* the Third as requires or directs that the Justice to be appointed as therein mentioned shall reside within One Mile of the Exchange in *Manchester* or of the *New Bailey* Court House in *Salford* aforesaid, and so much thereof as requires or directs that the said Justice shall attend daily (*Sundays* excepted) at the *New Bailey* Court House aforesaid, and also so much thereof as directs or authorizes the Payment of a Salary of One thousand Pounds *per Annum* to the said Justice, and the levying or raising the same by Rate or otherwise, shall be and the same is hereby repealed. Repeal of Parts of first-recited Act.

II. And be it enacted, That the Justice appointed or to be appointed under the said first-recited Act as aforesaid may reside at any Place within either of the Municipal Boroughs of *Manchester* and *Salford*, or elsewhere within the said Division of *Manchester*. Residence of the Justice.

III. And be it enacted, That the said Justice shall daily (except on *Sundays*, *Christmas Day*, and *Good Friday*, and such other Days as herein-after excepted,) attend at the *New Bailey* Court House in *Salford* aforesaid for the Transaction and Disposal of Business and Matters within his Jurisdiction arising or happening elsewhere than within the Limits of the said Municipal Borough of *Salford*, and shall also Three Days in each Week attend and hold Sittings at the Town Hall in the Borough of *Salford* aforesaid for the Transaction and Disposal of such Business and Matters only as shall arise or happen within the Limits of the said Municipal Borough of *Salford* and not elsewhere. Sittings of the Justice in Salford.

IV. Provided always, and be it enacted, That from and after the said First Day of *July* One thousand eight hundred and forty-five, and after proper Court Houses and other Accommodations shall have been provided for the Administration of Justice at the Cost of the Townships or Places next herein-after mentioned, the said Justice shall attend and hold a Sitting on One Day at least in every Fortnight at or within the said Townships of *Worsley* and *Barton-upon-Irwell*, or one of them, and also within the said Townships of *Heaton Norris* and *Stretford* respectively. Sittings in Worsley, &c.

V. Provided also, that as it is expedient and necessary that the Justices acting at *Worsley* and *Barton-upon-Irwell*, or one of them, and *Heaton Norris*, should hold more frequent Sittings at *Worsley* or *Barton-upon-Irwell*, or one of them, and at *Heaton Norris*, on account of the extensive Population of those Townships respectively, than In case of holding more frequent Sittings at Worsley, &c. the Justices may

appoint a separate Clerk for each of the Places.

than is herein provided for the sitting of the Stipendiary Justice, be it therefore enacted, That it shall be lawful for the County Justices acting at such Townships respectively to hold such more frequent Sittings; and in that Case the Justices acting in and for the said Division shall appoint a separate Clerk for each of the said Places, with Salaries not exceeding Fifty Pounds *per Annum* for each Clerk, to attend such Sittings as well as the Sitting in such Townships as are herein provided for; and all Fees taken and received at any such Sittings shall be brought into the Fee Fund, and paid over to the Treasurer thereof, as herein provided: Provided always, that the same Course of Proceeding for the Appointment of a Clerk for each of the said Places, or for his Removal, shall be observed as is herein directed with respect to the Appointment or Removal of the Clerk for Divisional Business.

Justices of Division may direct a Sitting to be periodically holden within any other of the Townships.

VI. Provided also, and be it enacted, That it shall be lawful for the Justices of the Peace for the said County of *Lancaster* acting in and for the said Division of *Manchester*, at any Meeting of such Justices holden for the Purpose, and of which Meeting and of the Object thereof Ten Days Notice at least, by Post or otherwise, shall have been given to every such Justice, if they shall think it expedient so to do, from Time to Time to fix and direct a Sitting or Sittings to be periodically holden by the Justice so appointed or to be appointed as aforesaid at or within any other or others of the said Townships or Places herein-before mentioned as now composing the said Division of *Manchester*, and the said Justice shall from Time to Time attend and hold his Sitting at or within the Township or Townships to be so fixed for that Purpose accordingly.

Providing for Attendance of Justice at Salford being supplied by any other Justice, and regulating Times of sitting in other Places than New Bailey Court House.

VII. Provided always, and be it enacted, That the Attendance of the said Justice, either at the said *New Bailey* Court House or Town Hall in *Salford*, or elsewhere, as aforesaid, may be supplied by any other Justice of the Peace for the said County Palatine of *Lancaster*, and also as regards the Sittings at the Town Hall in *Salford* by any Justice of the Peace of or for the Borough of *Salford*: Provided also, that the said Justice shall not be required to attend at the *New Bailey* Court House or at the Town Hall in *Salford* aforesaid on any Day which shall be appointed for his sitting or Attendance elsewhere than at one of those Places: Provided nevertheless, that the Number of Days on which the said Justice shall attend or hold Sittings elsewhere than at the *New Bailey* Court House or the Town Hall in *Salford* aforesaid shall not exceed Three Days in a Week.

Justices of the Peace for Lancashire and for the Borough of Salford to have Jurisdiction within such Borough.

VIII. And be it enacted, That all Offences, Business, and Matters whatsoever committed or arising within the Limits of the said Municipal Borough of *Salford* shall be cognizable, not only by the Justice or Justices for the County Palatine of *Lancaster*, but also by the Justice or Justices of or for the said Municipal Borough; and all and every such Justice or Justices of or for the said Municipal Borough shall in and for the said Borough have all such and the like Powers and Jurisdiction whatsoever, as fully and effectually, in all respects whatsoever, as all and every the Justice or Justices of the said County Palatine of *Lancaster* acting in and for the said Division of *Manchester*

Manchester have or hath or shall or may have in and for the said Division.

Authorizing the Suspension of Sittings directed by Justices elsewhere than at New Bailey Court House.

IX. And be it enacted, That the Justices of the Peace for the said County of *Lancaster* acting in and for the Divison of *Manchester* aforesaid shall have the Power, at any Meeting of such Justices, of which Meeting and of the Object thereof Ten Days Notice shall have been previously sent or given to every such Justice, by Post or otherwise, to direct that any Sitting or Sittings of the said Justice for the Time being appointed under the said first-recited Act, previously directed to be held elsewhere than at the *New Bailey* Court House or Town Hall in *Salford*, or within the said Townships of *Worsley* and *Barton-upon-Irwell*, or one of them, or within the Townships of *Heaton Norris* and *Stretford* aforesaid, as herein-before authorized, shall be suspended or discontinued, and the same shall be thereupon suspended or discontinued accordingly.

For Appointment of Divisional Clerk to the Justices, and their Removal.

X. And be it enacted, That it shall be lawful for the said Justices acting in and for the Division of *Manchester* aforesaid, and they are hereby required, at any Meeting to be holden for the Purpose, and of which Meeting and of the Object thereof Ten Days previous Notice shall have been sent or given to every such Justice, by Post or otherwise, to appoint One fit Person, and that it shall be lawful for the Justices in and for the Municipal Borough of *Salford* and the Stipendiary Justice to be appointed as aforesaid, and they are hereby required, to appoint another fit Person, to be respectively Clerks to the said Justice for the Time being appointed or to be appointed under the said first-recited Act as aforesaid, and so from Time to Time as often as there shall be a Vacancy in the Office of either of such Clerks, by Death, Resignation, Removal, or otherwise, the said Justices respectively re-appointing upon all Vacancies to the Office of the Clerks originally appointed by such Justices respectively as aforesaid: Provided always, that the said Clerks respectively may be removed from their said Office, the one appointed by the said Justices at the Pleasure of the said Justices acting in and for the said Division of *Manchester*, signified by any Resolution or Order of such Justices at a Meeting, whereof and of the Object thereof Ten Days previous Notice shall have been sent or given to every such Justice as aforesaid, and the other of such Clerks at the Pleasure of the Justices of and for the Municipal Borough of *Salford* aforesaid and the Stipendiary Justice aforesaid: Provided also, that the Clerk to be appointed by the said Justices acting in and for the Division as aforesaid shall be attendant upon the said Justice appointed or to be appointed under the said first-recited Act as aforesaid, for the Transaction and Disposal of all Business and Matters arising or happening within the said Division of *Manchester* elsewhere than within the Limits of the said Municipal Borough of *Salford*, and shall be called the Clerk for Divisional Business, but he shall not be required to attend any Sittings at or within the Townships of *Worsley* or *Barton-upon-Irwell* or *Heaton Norris*; and that the Clerk to be appointed by the Justices of and for the Municipal Borough of *Salford* as aforesaid and the Stipendiary Justice as aforesaid shall be attendant upon the said Justice for the Transaction and Disposal of

all Business and Matters arising or happening within the Limits of the said Municipal Borough of *Salford*, and shall be called the Clerk for Borough Business.

Authorizing the Payment of Stipend to the Justice and to the Clerk.

XI. And be it enacted, That so long as the said Justice for the Time being appointed or to be appointed under the said first-recited Act, and the said Clerk to such Justice for Divisional Business, shall respectively continue to discharge the Duties of their said respective Offices, there shall be paid out of the Funds or Monies by this Act directed and authorized to be raised or provided for that Purpose, to the said Justice the yearly Sum of Eight hundred Pounds, and to the said Clerk to such Justice for Divisional Business a yearly Sum not exceeding Five hundred Pounds, which said last-mentioned yearly Sum shall be paid to and received by the said Clerk in lieu of all Fees and Monies which he may legally demand or receive by virtue or in respect of his said Office or Employment, and which are herein-after directed to be paid over by him to the Credit of the General Fee Fund herein-after mentioned, and shall include as well the Remuneration for the Services of such Clerk as the Payments he may be required to make for all necessary Assistants, the said several Sums to be paid by Four equal quarterly Payments, and so *pro rata* a Proportion of such quarterly Payments up to the Time of the Death of the said Officers respectively, or their respectively ceasing to act.

300*l.* per Annum to be paid out of the Salford Borough Fund towards the Justice's Salary.

XII. And be it enacted, That so long as the said Justice appointed or to be appointed under the said first-recited Act as aforesaid shall continue to discharge the Duties of his said Office as aforesaid the yearly Sum of Three hundred Pounds shall be paid out of the Borough Fund of the said Municipal Borough of *Salford*, as the Contribution or Quota of the said Municipal Borough towards the said yearly Salary herein-before directed to be paid to the said Justice as aforesaid, and for that Purpose the Treasurer of the said Municipal Borough for the Time being shall out of the Borough Fund pay the said yearly Sum of Three hundred Pounds, by Four equal quarterly Payments in every Year, to the Treasurer for the Time being of the General Fee Fund herein-after mentioned and directed to be formed, or if there shall be no such Treasurer, to the said Clerk to the said Justice for Divisional Business, who shall carry the same to the Credit of the said General Fee Fund, to be applied as Part thereof; and such Payments shall discharge the said Municipal Borough of *Salford* from all further Liability whatsoever, in respect of the Period or Periods on account of which such Payments shall have been made, to contribute to the Salary herein-before directed to be paid to the said Justice as aforesaid, or to the said General Fee Fund, on any other Account whatsoever, nor shall the said Municipal Borough of *Salford* or any Officer thereof be in any way responsible for the Application of the said General Fee Fund or any Part thereof.

Town Council of Salford may order a Sum not exceeding 400*l.* to be paid

XIII. And be it enacted, That it shall be lawful for the Council of the said Borough of *Salford* at any Time or Times to order and direct the Payment out of the Borough Fund of the said Municipal Borough to the said Clerk to the said Justice for Borough Business, for the Services of himself and any Assistant or Assistants in that Office,

Office, of such yearly or other Sum or Sums of Money, not exceeding in the whole the yearly Sum of Four hundred Pounds, and at such Times and in such Manner as the said Council shall think reasonable and proper in that Behalf; and the Treasurer of the said Borough shall thereupon pay such Sum or Sums of Money accordingly out of the said Borough Fund, the same to be received by such Clerk in lieu of all Fees and Monies which he may legally demand or receive by virtue or in respect of his said Office or Employment, and which he is herein-after directed to pay over to the Treasurer of the said Borough in aid of the Borough Fund. to the Clerk out of the Borough Fund.

XIV. And be it enacted, That from and after the First Day of *July* One thousand eight hundred and forty-five no Justice of the Peace for the said County of *Lancaster* acting in and for the said Division of *Manchester*, nor any Clerk of any such Justice, nor any Person on behalf of any such Justice or Clerk, shall directly or indirectly, upon any Pretence whatever, take or receive any Fee, Reward, Gratuity, or Recompence for any Act or Business by any such Justice or Clerk done or to be done in the Execution of his said Office or Employment within the said Division elsewhere than at the said *New Bailey* Court House or the said Town Hall in *Salford* aforesaid, or at *Worsley* or *Barton-upon-Irwell* or at *Heaton Norris*, or such other Place or Places as is, are, or shall be appointed under the Authority of this Act for the Sitting or Sittings of the said Justice for the Time being appointed or to be appointed under the said first-recited Act as aforesaid, upon pain of forfeiting the Sum of One hundred Pounds for every such Offence, one Moiety thereof to the said Clerk for Divisional Business of the said Justice so appointed or to be appointed as aforesaid, to be by him carried to the Account of the Fee Fund herein-after mentioned, and to be considered Part of and applicable to the same Purposes as the said Fund, and the other Moiety thereof, with full Costs of Suit, to the Person who shall sue for the same in any of Her Majesty's Courts of Record at *Westminster*; and that any Summons or other Process which shall after the said First Day of *July* One thousand eight hundred and forty-five be issued by any Justice of the Peace of the County of *Lancaster*, requiring any Person residing within the said Division of *Manchester* to appear at any Place without the said Division to answer any Information or Complaint touching any Matter arising within the said Division, shall be utterly void and of none effect, any Law, Custom, or Usage to the contrary notwithstanding; provided that nothing in this Act contained shall be construed to extend to any Fees taken, payable, or demandable at any General or Quarter Sessions of the Peace. No Fees to be taken but at the public Places of Sitting. Process returnable at any Place without the Division void.

XV. And be it enacted, That the said Clerk of the said Justice appointed or to be appointed under the said first-recited Act for Borough Business as aforesaid, or some Person to be appointed for that Purpose by the Council of the said Borough, shall receive all Fees and Monies chargeable and to be received for and in respect of any Act, Business, or Matter to be done or transacted by any Justice or Justices, or any Clerk or Clerks of any Justice or Justices, in the Execution or by virtue of his or their Office or Employment as Justice Clerk to the Justice for Borough Business to receive all Fees, and keep an Account thereof, and pay them to the Trea-

surer of the Borough.

Justice of Peace or Clerk as aforesaid at the said Town Hall in *Salford* aforesaid, and shall keep a full, true, and particular Account in Writing of all such Fees and Monies, and shall once in every Quarter of a Year, or oftener if required, render such Account to the Council of the said Municipal Borough of *Salford* (the said Account to be verified by the Declaration of the said Clerk for Borough Business before some Justice of the Peace acting in and for the said Division of *Manchester* or Borough of *Salford*, which Declaration every or any such Justice is hereby empowered to receive), and shall, at such Time and in such Manner as the said Council shall direct, pay all such Fees and Monies as he shall so from Time to Time receive unto the Treasurer for the Time being of the said Borough of *Salford*, who shall carry the same to the Account and Credit of the Borough Fund of the same Borough, to be applied as Part thereof.

Clerk to Justice for Divisional Business to receive Fees, and render an Account thereof;

XVI. And be it enacted, That the said Clerk to the said Justice appointed or to be appointed under the said first-recited Act for Divisional Business as aforesaid shall receive all Fees and Monies chargeable and to be received in respect of any Act or Business to be done or transacted by any Justice or Justices, or the Clerk or Clerks of any Justice or Justices, in the Execution or by virtue of his or their Office or Employment as Justice of Peace or Clerk as aforesaid at the said *New Bailey* Court House in *Salford* aforesaid, or at any other Place or Places (other than and except the said Town Hall in *Salford* aforesaid, and other than and except *Worsley* or *Barton-upon-Irwell* and *Heaton Norris* aforesaid,) appointed or to be from Time to Time appointed for the sitting of the said Stipendiary Justice, as herein-before provided, and shall keep a full, true, and particular Account in Writing of all such Fees and Monies, and shall once in every Quarter of a Year, or oftener if required, render to the said Justices acting in and for the said Division of *Manchester* a true Account, verified by the Declaration of the said Clerk before some Justice acting in and for the said Division (which Declaration every or any such Justice is hereby empowered and authorized to receive), of all Fees and Monies received by him, and of all Payments made thereout, under the Authority of this Act, during the Period of such Account, in such Form and with such Particulars as the said Justices acting for the Division aforesaid shall from Time to Time require;

as also the Clerks for Worsley, &c.

and the same Duties shall be performed in like Manner by the said Clerks respectively to be appointed for *Worsley* or *Barton-upon-Irwell* and *Heaton Norris* aforesaid, as fully as if the same were herein repeated with respect to them respsctively.

Fees received by Clerk for Divisional Business and by the Clerks for Worsley, &c. to be carried to Account of a General Fund.

XVII. And be it enacted, That all Fees and Monies which the said Clerk for Divisional Business or the Clerk for *Worsley* or *Barton-upon-Irwell* and *Heaton Norris* respectively shall so receive as aforesaid shall be carried to the Account of a General Fund, to be called "The Fee Fund of the Justices for the Division of *Manchester*," and which Fund, or so much thereof as shall not be from Time to Time required or applied for the Purposes herein-after mentioned, shall be placed and remain in such Bank within the Town of *Manchester* or *Salford* as the Justices acting for the said Division shall from Time to Time direct: Provided always, that it shall be lawful

for the said Justices, at any Meeting holden and previously notified as herein-before mentioned, if they shall think it necessary or expedient so to do, from Time to Time to appoint any fit Person to be Treasurer of the said Fee Fund, with such yearly or other Salary or Allowance, not exceeding the yearly Sum of Eighty Pounds, to be paid out of the same Fund, as the said Justices shall think fit, and to take such Security, in such Form and Manner as may be deemed requisite or advisable for the due Performance of his Office, such Treasurer to be removable from his said Office at the Pleasure of the said Justices; and the said Justices shall have Power from Time to Time to make all such Orders and Regulations for securing the same Fund, and for keeping the Accounts relative thereto, as to such Justices shall seem expedient; and the said Fund shall be from Time to Time applied in or towards the Payment of the respective Salaries, Printing, Stationery, and other Charges and Expences by this Act directed or authorized to be paid thereout, and the Expences consequent upon any Sittings which may be held elsewhere than at the *New Bailey* Court House or at the Town Hall in *Salford* aforesaid, in pursuance of this Act.

Clerks disqualified from acting as Attornies in certain Cases.

XVIII. And be it enacted, That no Clerk appointed under this Act, except as herein-after provided, shall during the Continuance of his Office, or within Six Calendar Months after he shall have resigned or shall have been removed from such Office, be concerned, either by himself or any Partner, or in any Manner, directly or indirectly, as an Attorney or Agent in any Matter brought or to be brought before the Justices whose Clerk he is, or in any Prosecution at any Court of Sessions of the Peace, or of Oyer and Terminer and Gaol Delivery, arising out of or consequent upon any Proceeding before the Justices whose Clerk he is; and any Clerk who shall offend against this Enactment shall forfeit the Sum of Fifty Pounds, to be recovered, by any Person who will sue for the same, by Action of Debt or Information, to be commenced within Six Calendar Months next after the Commission of the Offence; but nothing herein contained shall subject any such Clerk to any Penalty for any Act done by him in the Discharge of his official Duty: Provided also, that the said Clerk for Borough Business, being paid by a fixed Salary in lieu of Fees and other Emoluments as aforesaid, both for his Services as Clerk to the said Justices and for conducting Prosecutions, may continue to conduct any Prosecutions at the General or Quarter Sessions of the Peace, or any adjourned Sessions thereof, or at the Assizes, for any Offence committed within the Municipal Borough of *Salford*, provided that such Clerk account for and pay over all Fees and Emoluments arising from such Prosecutions or received by him to the Treasurer of the said Borough, in aid of the Borough Fund.

Justices may make Rates for Payment of Expences under this Act.

XIX. And be it enacted, That for better providing for and securing the Payment of the several Salaries, Charges, and Expences payable under this Act, it shall be lawful for the Justices of the Peace acting in and for the said County of *Lancaster*, at any General Quarter Sessions of the Peace holden by Adjournment within the Hundred of *Salford* aforesaid, and they are hereby required, from Time to Time to make a Rate or Rates, Assessment or Assessments (not exceeding the Amount herein-after limited) on all the rateable

Property within the Limits of the said several Townships, Parts of Townships, or Places not included within the Limits of the said Municipal Boroughs of *Salford* and *Stockport*, and which, together with the said Municipal Borough of *Salford*, are within the said Division of *Manchester* as aforesaid, for the Purpose of raising so much Money as, together with the Fee Fund herein-before mentioned (the Amount or probable Amount of which shall from Time to Time be ascertained or estimated by the said Justices as correctly as may be), shall be sufficient for the Payment of the said several Salaries, Charges, and Expences herein mentioned; such Rate or Rates, Assessment or Assessments, to be made in the same Manner as is now by Law directed, authorized, or practised for making County Rates.

Mode of ascertaining Value of rateable Property.

XX. Provided always, and be it enacted, That the annual Value of the rateable Property within the Limits of the said several Townships, Parts of Townships, or Places rateable under this Act as aforesaid, as such Value shall have been or from Time to Time may be ascertained and determined for the Purpose of assessing the County Rate upon or within the same Townships, Parts of Townships, or Places respectively, shall or may be from Time to Time adopted and taken by the said Justices as the Basis of any Assessment and Rating to be made by them for the Purposes of this Act as aforesaid, without any separate or other Valuation of such Property or any Part thereof being made or required.

Powers of County Rate Acts applied to this Act.

XXI. And be it enacted, That all and every the Powers, Authorities, Provisions, Clauses, and Regulations given or contained by or in any Act or Acts of Parliament now subsisting and in force for or relating to the making, assessing, collecting, levying, paying, or enforcing of County Rates in *England*, shall, so far as the Nature of the Case will admit, and except as is herein otherwise specially provided, be deemed and taken to apply to the said Rate or Rates so by this Act directed or authorized to be made as aforesaid, as if the same Powers, Authorities, Provisions, Clauses, and Regulations were here severally repeated and re-enacted with reference to such Rate or Rates, and in the same Manner, and as fully and effectually, in all respects, as if such Rate or Rates respectively were a County Rate assessed or to be assessed upon the said several Townships, Parts of Townships, or Places intended to be hereby made liable to the Payment thereof as aforesaid: Provided always, that the Sum to be raised by a Rate or Rates under the Authority of this Act as aforesaid shall not in any One Year exceed the Sum of One Penny in the Pound upon the annual Value of the rateable Property in the several Townships, Parts of Townships, or Places aforesaid.

Overseers of the Poor to levy the Rates.

XXII. Provided also, and be it enacted, That the Overseer or Overseers of the Poor of the said several Townships or Places liable to the Payment of the Rate to be made under the Authority of this Act as aforesaid, and as regards such Portions of the said Townships of *Heaton Norris* and *Broughton* respectively as are not included in the said several Municipal Boroughs of *Stockport* and *Salford* respectively, the respective Overseers of the Poor of the same Townships,

ships, or other the Person or Persons whose Duty it shall be to collect and levy the said Rate, shall, within the Time to be limited or expressed for that Purpose in or by the Order of the said Justices making such Rate as aforesaid, which Order shall of itself, and without any other Precept or Warrant whatsoever, be a sufficient Authority for the levying of the said Rate by such Overseer or Overseers, or other Person or Persons whose Duty it shall be to levy the same as aforesaid, levy and collect such Rate, and pay the Amount thereof into the Hands of the said Treasurer of the said Fee Fund, or, if there be no such Treasurer, into the Hands of the said Clerk for Divisional Business, who shall carry the same to the Account of the said Fee Fund herein-before directed to be formed as aforesaid, and the same, together with the said Fees or other Monies to be from Time to Time received by the said Treasurer or Clerk for Divisional Business as aforesaid, shall constitute One aggregate Fund applicable for the Payment of the said several Salaries and other Charges and Payments by this Act directed or authorized to be paid thereout; and in case any such Overseer or Overseers of the Poor, or other Person or Persons whose Duty it shall be to collect or levy such Rate as aforesaid, shall neglect, make default, or refuse to pay the same within the Time to be limited or specified for that Purpose as aforesaid, to the said Treasurer or Clerk hereby appointed and authorized to receive the same as aforesaid, it shall and may be lawful for any Justice of the Peace of the said County of *Lancaster*, upon Complaint thereof made by such Treasurer or Clerk as aforesaid, to levy the same by Distress and Sale of the Offender's Goods.

Application of Penalties.

XXIII. Provided also, and be it enacted, That all or any Forfeitures or Penalties to be inflicted or recoverable under or by virtue of any of the statutable Powers or Provisions hereby extended or made applicable to the said Rate hereby directed to be made and levied as aforesaid, in respect of such Rate, or any Proceeding relating thereunto, shall, when recovered, be paid to the said Treasurer of the said Fee Fund or to the said Clerk for Divisional Business as aforesaid, and shall be by him carried to the Account of the said General Fee Fund, and be applied as Part thereof.

Application of Monies received for Recognizances estreated.

XXIV. And be it enacted, That it shall be lawful for the Chancellor and Council of the Duchy of *Lancaster* for the Time being, and they are hereby required, from Time to Time to make Orders upon the Receiver General of the said Duchy to pay over the Amount of Monies (not exceeding the Sum of Eight hundred Pounds in any One Year) which shall or may be hereafter levied or received to Her Majesty's Use upon or by reason of Recognizances taken and estreated in the said County Palatine of *Lancaster*, to the said Treasurer of the Fee Fund aforesaid, or to the said Clerk for Divisional Business, the same to be by such Treasurer or Clerk carried to the Account and to be applied in aid and as Part of the said General Fee Fund hereby directed to be raised or provided as aforesaid, any thing in an Act passed in the Tenth Year of Her late Majesty Queen *Anne*, intituled *An Act for the better Support of Her Majesty's Household, and of the Honour and Dignity of the Crown*, or any other Law or Statute

Statute to the contrary notwithstanding: Provided always, that nothing herein contained shall control or abridge the Powers of the said Chancellor and Council to relieve and mitigate estreated Recognizances and Levies made therein in certain Cases of Hardship and Distress, as they are used to do.

Certain Powers of first-recited Act to remain in force.

XXV. And be it declared and enacted, That all and every the Powers, Authorities, Provisions, and Enactments given by or contained in the said herein-before first-recited Act, except as the same or any of them are expressly repealed or altered by or shall be inconsistent with the Provisions of this Act, shall remain in full force and virtue as if this Act had not been passed.

For Payment of Expences of Act.

XXVI. And be it enacted, That one Moiety of the Costs, Charges, and Expences of or incident to the soliciting, obtaining, and passing this Act, or which have been incurred with reference to the Object thereof, shall be paid out of the Borough Fund of the said Borough of *Salford*, and the Treasurer of the same Borough is hereby directed and required to pay the same accordingly; and the other Moiety thereof shall be paid out of the said General Fee Fund to be raised under the Authority and for the Purposes of this Act, as aforesaid.

Interpretation of Words.

XXVII. And be it enacted, That the several Words used in this Act shall bear the following Interpretation, unless there shall be something in the Subject Matter or Context repugnant thereto; that is to say,

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular:

Words importing the Masculine Gender only shall include Females.

Public Act.

XXVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of such.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXII.

An Act to enable the Commissioners of *Greenwich* Hospital to widen and improve *Fisher Lane* in *Greenwich*; and for other Purposes connected with the Estates of the said Commissioners.

[8th *May* 1845.]

WHEREAS it would contribute to the Improvement of the Royal Hospital at *Greenwich*, and the Estate of the said Commissioners of *Greenwich* Hospital in the Vicinity thereof, that a certain Street, Lane, or Highway called or known by the Name of "*Fisher Lane*," in the Town of *Greenwich* aforesaid, should be improved and widened, so as to make the same a good and sufficient Street for Carriages, and that the several Roads or Ways following, (that is to say,) a Road or Way called "*Friar's Road*," and another Road or Way commencing on the East Side of *King William Street*, and proceeding thence Eastward up to the West Side of *Friars Road*, and Part of another Road, Highway, or Place, called "The *Ship Dock*," commencing at the North End of *Friars Road*, and Part of another Road or Highway called "*Stable Yard Street*," and an Alley called "*White Horse Alley*," all of them situate in the Parish of *Greenwich*, all herein-after more particularly described, should be stopped up: And whereas the said Commissioners of *Greenwich* Hospital are willing to take upon themselves the Execution of the above-mentioned Alterations and Improvements, and it is expedient that adequate

Powers should be given to them to enable them to carry the same into effect; and in making and completing the said Alterations and Improvements they will have Occasion for certain Houses, Buildings, Lands, and Hereditaments situate in the said Parish of *Greenwich*, mentioned and comprised in the Schedule to this Act, but good and effectual Conveyances thereof cannot be obtained, nor can the said several Objects be effected, without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Commissioners of *Greenwich* Hospital and their Successors shall be and they are hereby empowered to widen the said Lane or Highway called "*Fisher Lane*," and to form the said Lane or Highway into a Street, commencing at the East Side of *King William Street*, towards and up to the *Ship Dock* aforesaid, and to make such Street of an uniform Width of not less than Fifty Feet, so that the same shall thenceforth be and continue a public Parish Highway and Carriageway for the Use of all Persons whomsoever, and to make the Alterations and Improvements herein mentioned, and otherwise to carry the Purposes of this Act into execution in manner herein-after mentioned.

Commissioners of Greenwich Hospital empowered to widen Fisher Lane, &c.

II. And be it enacted, That in forming the said Street, and making the said Alterations and Improvements, it shall be lawful for the said Commissioners of *Greenwich* Hospital and their Successors, and they are hereby authorized and empowered, when they shall deem it necessary, within Three Years from the passing of this Act, to treat and agree for the Purchase of any of the Houses, Buildings, Lands, Tenements; or Hereditaments mentioned and comprised in the Schedule to this Act annexed, and of any subsisting Leases, Terms, Estates, and Interests therein or charged thereon, which the said Commissioners or their Successors may deem necessary or expedient to be purchased for the Purposes of this Act.

Power to purchase Houses, Lands, &c.

III. And be it enacted, That if the said Commissioners of *Greenwich* Hospital, or their Successors, shall not within the Space of Three Years, to be computed from the passing of this Act, purchase or cause to be valued the Houses, Buildings, Lands, Tenements, and Hereditaments mentioned and comprised in the said Schedule to this Act annexed, and pay the Consideration Money or Money awarded for the same respectively in manner directed by this Act, then and from thenceforth the Powers which are hereby granted to them for such Purpose only shall, as to the Properties not taken or purchased at the Expiration of the said Term of Three Years, cease, determine, and be void, unless with the Consent in Writing of the Owners and Occupiers of any Houses, Buildings, Lands, Tenements, and Hereditaments which shall not then have been purchased as aforesaid.

If Houses, &c. not purchased or valued within a certain Time, Powers of Purchase to cease.

IV. And be it enacted, That it shall be lawful for the said Commissioners of *Greenwich* Hospital, and for their Surveyors, Officers, and Workmen, from Time to Time, at all reasonable Times in the Daytime, upon giving Twenty-four Hours previous Notice in Writing,

Parties surveying not to be deemed Trespassers.

to enter into and upon all or any of the said Houses, Buildings, Lands, Tenements, and Hereditaments comprised in the said Schedule hereto, for the Purpose of surveying or valuing the said Premises, without being deemed Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part of the said Premises, for the Damages which shall be thereby occasioned.

Authorizing incapacitated Persons and others to treat with the Commissioners for the Purchase of Buildings, &c.

V. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Fee Simple or for any less Estate, absolute, qualified, or conditional, and to and for all Tenants for Life, Tenants in Tail, Tenants for Lives, or for Years absolute, or determinable on any Life or Lives, Trustees or Feoffees in Trust for charitable and other Purposes, Husbands, Guardians, Committees for Lunatics and Idiots, Executors and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever under any Disability of acting for themselves, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right or entitled to Dower or other Interest, and for all and every other Person and Persons whomsoever who is, are, or shall be seised or possessed of or interested in the said Houses, Buildings, Lands, Tenements, or Hereditaments mentioned and comprised in the said Schedule to this Act annexed, to contract and agree with the said Commissioners of *Greenwich* Hospital and their Successors for the Sale or Exchange of the same Premises and every Part thereof, and to convey and assure the same Premises respectively, and every or any Part thereof, unto and to the Use of the said Commissioners and their Successors; and all such Contracts, Exchanges, Conveyances, and Assurances, Acts and Deeds, which shall be made under or in pursuance of this Act, shall, without any other Act or Assurance in Law whatsoever, be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding, and shall operate as and be a complete Bar to all Estates Tail, and all other Estates, Rights, Titles, Trusts, and Intents whatsoever; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, so contracting and agreeing as aforesaid, are hereby indemnified for or in respect of any such Sale or Exchange which they or any of them shall respectively make by virtue or in pursuance of this Act.

Messuages, &c. when conveyed to be settled to the same Uses.

VI. And be it enacted, That any Messuages, Lands, Tenements, or Hereditaments which under the Powers of this Act contained shall be conveyed in exchange for any Premises mentioned and comprised in the said Schedule which shall be taken for the Purposes of this Act, and shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose thereof, shall, when so conveyed, stand and be settled and limited to, for,

for, and upon such and the like Uses, Trusts, Intents, and Purposes, and shall be subject to the same Powers of leasing or other Powers, and in the same Manner, as the Premises so taken as aforesaid stood settled, limited, or subject, or such of them as at the Time of making such Conveyance shall be existing undetermined and capable of taking effect.

In case Parties refuse to treat, the Value, &c. to be settled by a Jury.

VII. And be it enacted, That if any Owners, Proprietors, Occupiers, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, Feme Covert, or any other Person or Persons seised, possessed of, or interested in any Houses, Buildings, Lands, Tenements, or Hereditaments mentioned and comprised in the said Schedule to this Act annexed, or any Estate or Interest therein which the said Commissioners of *Greenwich* Hospital and their Successors are empowered to purchase, take, and use for the Purposes of this Act, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the said Commissioners or their Successors for the Sale and Disposal of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises of which they may be in the Possession, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners or their Successors, then and in every or in any such Case the High Sheriff of the County of *Kent* shall, upon the Warrant of the said Commissioners or their Successors, in manner herein-after mentioned, and he is hereby authorized and required to cause it to be inquired into and ascertained, upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Kent*, which Oaths the said Sheriff is hereby empowered to administer, what Damages will be sustained by and what Recompense and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for the Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, and for the proportionable Value of the respective Estates and Interests of every Owner, Occupier, Person or Persons seised or possessed thereof or interested therein, or of or in any Part thereof, and assess and award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Houses, Buildings, Lands, Tenements, or Hereditaments, and of such respective Estates and Interest therein, and also for any Injury or Damage that may affect any such Person or Persons, Party or Parties, and in order thereto the said Sheriff is hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before the said Jury and examine upon Oath all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, which Oath the said Sheriff is hereby empowered to administer; and such Sheriff shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all other lawful Ways and Means, as well for his own as for the Jury's better Information in the Premises, as the said Sheriff shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage, Recompence, and Satisfaction, the said Sheriff shall thereupon order the Sum or Sums of Money so assessed

by

by the said Jury to be paid by the said Commissioners or their Successors to the said Owners or Occupiers, or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Order so had and made shall be final, binding, and conclusive to all Intents and Purposes upon and against all Bodies Politic, Corporate, or Collegiate, Corporations and Trustees, as well as all other Parties and Persons whomsoever; and in all such Inquisitions the Person claiming Compensation shall be deemed the Plaintiff, and entitled to all the Privileges to which Plaintiffs in an Action at Law are entitled; and for the summoning and returning such Jury or Juries the said Commissioners and their Successors are hereby empowered to issue their Warrant or Warrants to the said Sheriff to summon, impannel, and return, at some convenient Place in the said County of *Kent*, a Jury of not less than Thirty-six or more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at least in Writing under the Hands of the said Commissioners or their Successors, or under the Hand of their Secretary or Solicitor for the Time being, of the Time and Place at which such Jury are so required to be returned, shall be given to such Owners, Proprietors, Occupiers, Corporations, Trustees, or any other Person or Persons immediately interested in the Verdict of the Jury, touching the Premises intended to be valued before the Time of the Meeting of the said Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, where such Tenant or Occupier is known, but in case such Tenant or Occupier shall not be known, or being known cannot be found, then by affixing Notice thereof upon the Door of the House or Premises intended to be valued, and the said Sheriff is hereby empowered to impannel, summon, and return such Number accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff shall swear or cause to be sworn Twelve who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, (being qualified as last aforesaid,) to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard and to adduce Evidence before the said Sheriff; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

Jury not to award Compensation for Injury or Damage, without the Consent of Commis-

VIII. And be it enacted, That no Jury to be summoned by virtue of this Act shall be allowed to assess or award any Sum or Sums of Money to any Owners, Occupiers, or Person or Persons as aforesaid, by way of Compensation for any Injury or Damage alleged to have been sustained by them by reason or means of this Act, or any thing which shall or may be done in the Execution hereof, without the Consent

sioners of Greenwich Hospital unless Notice of such Claim shall have been given.

Consent of the said Commissioners of *Greenwich* Hospital, or their Successors, previously had and obtained for that Purpose, to be signified by some Writing under their Hands or the Hand of their Secretary for the Time being, unless Notice in Writing, stating the Particulars of every such Claim, shall have been given, by and on behalf of such Owners or Occupiers, Person or Persons, to the said Commissioners or their Successors, within Two Calendar Months next after such supposed Loss shall have been incurred, or such supposed Damage or Injury shall have been occasioned or sustained, and Ten Days at least before the Time of the meeting of such Jury.

Penalty on Sheriff, Jury, &c. making default.

IX. And be it enacted, That if the Sheriff of the said County of *Kent* so directed to summon and return a Jury as aforesaid shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be recovered in one of Her Majesty's Superior Courts of Record at *Westminster;* and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing shall refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied, by virtue of any Warrant under the Hand and Seal of any One of Her Majesty's Justices of the Peace for the said County of *Kent*, either by the Sheriff of the County, or by Endorsement on the Back of the Warrant by the said Sheriff, which Warrant shall be forwarded to the Sheriff acting for any other County or City in which the Party shall reside or shall have removed, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him or her the Overplus, after such Penalty, and the Charges of such Distress and Sale, shall be deducted; which Penalty shall be paid over to the Sheriff of the County of *Kent*, and be accounted for by him under the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act for the more speedy Return of Fines, Penalties, and Forfeitures, and Recognizances estreated*, and shall be returned by the Justices imposing the same to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of His late Majesty King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.*

4 G. 4. c. 37.

3 G. 4. c. 46.

By whom Expences shall be paid.

X. And be it enacted, That in case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money, as a Recompense, Compensation, or Satisfaction for the Estate, Right, Interest, or Property of any Owners or Occupiers, Person or Persons, in any such Houses, Buildings, Lands, Tenements, or Hereditaments as aforesaid, or for any such Injury or Damage as aforesaid, than shall have been agreed to be given or offered, or the same Sum as may have been offered for the same,

same, by or on behalf of the said Commissioners of *Greenwich* Hospital or their Successors, before the summoning and returning of such Jury, or where by reason of Absence in Foreign Countries, or other Incapacity or Disability or Cause as aforesaid, there shall not be found any Person or Persons legally capacitated to enter into any Contract with the said Commissioners or their Successors, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Recompense, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the Sheriff of the said County of *Kent*, and shall be paid by the said Commissioners or their Successors, and if not paid within Fourteen Days after the same shall have been taxed and demanded, then the same shall and may be recovered from the said Commissioners and their Successors by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*, together with full Costs of Suit; but if any Jury so summoned and sworn as aforesaid shall give a Verdict or Assessment for less Money as such Recompense, Compensation, or Satisfaction as aforesaid than shall have been agreed to or offered by the said Commissioners or their Successors for the same before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing and procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the said Commissioners or their Successors by any Owners or Occupiers, Person or Persons whomsoever, who is or are legally empowered to treat, then all such Costs, Charges, and Expences (to be settled by such Sheriff in manner aforesaid) shall be borne and paid in equal Moieties between and by the Owners or Occupiers, Person or Persons, respectively so claiming such Compensation, or refusing to treat and agree as before mentioned, and the said Commissioners and their Successors; and all Costs, Charges, and Expences hereby directed to be paid to the said Commissioners or their Successors shall and may be deducted and retained by them out of the Money so adjudged or assessed to be paid by them as so much Money advanced to and for the Use of the Owners or Occupiers, Person or Persons, entitled to such Money so adjudged or assessed, and Payment or Tender of the Remainder of such Money shall be deemed and taken to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or in case no Money, or no sufficient Sum of Money, shall be adjudged or assessed to be paid by the said Commissioners or their Successors, whereout such Costs, Charges, and Expences can be deducted, then the same shall and may be recovered, by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Kent*, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, the Party making such Distress and Sale rendering to such Person or Persons as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expences, and the Charges of such Distress and Sale, shall be deducted.

Minute of all Judgments to be deposited with the

XI. And be it enacted, That a Minute or Docquet of all the said Judgments and Verdicts shall be deposited with the Clerk of the Peace of the said County of *Kent*, to be kept and preserved by him amongst

Clerk of the Peace for the County.

amongst the Records of the Quarter Sessions of the same County, and shall be deemed to be Records to all Intents and Purposes whatsoever, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy thereof the Sum of Sixpence for every One hundred Words, and so in proportion for any less Number of Words.

Application of Compensation Money when exceeding 200*l.*, belonging to incapacitated Persons.

XII. And be it enacted, That if any Money shall be agreed or assessed to be paid for any of the said Houses, Buildings, Lands, Tenements, or Hereditaments mentioned and comprised in the Schedule to this Act annexed, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Commissioners of *Greenwich* Hospital;" to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, and Hereditaments, in the Purchase of other Lands, Tenements, and Hereditaments, which shall be settled to, for, or upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the said Houses, Buildings, Lands, Tenements, and Hereditaments which shall be so purchased or taken for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application made thereto as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement thereof was then actually made.

When less than 200*l.* and exceeding 20*l.*

XIII. Provided always, and be it enacted, That if any Money so agreed or assessed to be paid for any of the said Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased or taken for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid,

shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in case the same shall, at the Option of the Body or Bodies, Person or Persons, for the Time being entitled to the Rents and Profits of the Hereditaments so purchased or taken, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiotcy or Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the Accountant General of the said Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person or Persons making such Option, and approved of by the said Commissioners of *Greenwich* Hospital, or their Successors, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends to arise therefrom, or the Interest thereof, may be applied in manner herein-before directed, and so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When not exceeding 20*l.*

XIV. Provided always, and be it enacted, That where such Money so agreed or assessed to be paid as last before mentioned shall not exceed the Sum of Twenty Pounds, then and in every such Case the same shall belong absolutely and be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, or Estate or Interest therein, so purchased or taken for the Purposes of this Act, for his, her, or their own Use and Benefit, or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Title, of Absence, or of Refusal to convey, the Money to be paid into the Bank.

XV. And be it enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed or be assessed or awarded to be paid for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Estate or Interest therein, to be purchased or taken for the Purposes of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners of *Greenwich* Hospital or their Successors, or shall refuse to execute a Conveyance or Conveyances thereof, or in case the Person or Persons to whom such Sum or Sums of Money shall be so assessed or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Houses, Lands, Tenements, Buildings, or Hereditaments, Estate or Interest, be not known or cannot be discovered, or if the Title to the Money so agreed or awarded to be paid shall be in dispute, then and in every such Case it shall and may be lawful for the said Commissioners or their Successors to pay the said Sum or Sums of Money so agreed or assessed or awarded to be paid as aforesaid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party or Parties, if

known, who shall be interested in the said Tenements or Hereditaments, or Estate or Interest, (describing such Tenements or Hereditaments,) but if such Party or Parties shall not be known, then to the Credit of the said Commissioners or their Successors, subject to the Order, Control, or Disposition of the said Court of Chancery; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to any such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Payment or Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates and Interests of the Body or Bodies, Person or Persons, making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Titles, Persons in possession to be deemed peremptorily entitled to the Money.

XVI. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Estate or Interest therein, to be purchased or taken for the Purposes of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in the Possession of such Houses, Buildings, Lands, Tenements, or Hereditaments, Estate or Interest, at the Time of such Purchase, and all Body or Bodies, Person or Persons, claiming under such Body or Bodies, Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Houses, Buildings, Lands, Tenements, and Hereditaments, Estate or Interest, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments, or Estate or Interest therein.

Court of Chancery may order reasonable Expences of Purchases

XVII. And be it enacted, That where, by reason of the Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be taken under or by virtue of this Act, or from any other Cause whatsoever, the Purchase Money for such Lands, Tenements, or Hereditaments, or any Money to be paid

for or by way of Compensation or Satisfaction for any Injury or Damage done to the same, shall be required to be paid into the Bank of *England*, and be subject to the Orders and Directions of the Court of Chancery, under the Provisions herein contained, it shall be lawful for the said Court to order all the reasonable Costs, Charges, and Expences attending such Purchase, taking, or using of any Lands, Tenements, and Hereditaments, or which may be incurred in consequence thereof, and also of the Investment of the Purchase or Compensation Money paid in respect of such Lands, Tenements, and Hereditaments in Real or Government Securities, and likewise the Reinvestment of such Purchase or Compensation Money, or the Government or Real Securities purchased therewith, in the Purchase of Lands, Tenements, and Hereditaments, as herein-before mentioned, together with the Costs, Charges, and Expences of obtaining the proper Orders and of the other Proceedings for such Purposes, and of the Payment of the Dividends and Interest of the said Government or Real Securities, and of the Payment of the Principal of the said Purchase or Compensation Money, and of the Government or Real Securities purchased therewith, out of Court, to be paid by the said Commissioners, and the said Commissioners shall from Time to Time pay such Sums of Money for the said Costs, Charges, and Expences as the said Court shall direct.

and Costs to be paid by the said Commissioners.

XVIII. And be it enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any Lands and Hereditaments which shall be purchased or taken by the said Commissioners for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Commissioners may require to the said Lands and Hereditaments, and of all attested Copies which the said Commissioners may require of any Deeds, Evidences, or Writings relating thereto, and all Expences whatsoever incident to the Investigation, Deduction, or Verification of such Title, shall be exclusively borne and paid by the said Commissioners; and the said Commissioners, before entering into possession of the Lands and Hereditaments so purchased, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall deposit, for the Purpose of paying the same, in such Manner as hereinafter mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom the Lands and Hereditaments shall be purchased: Provided always, that the said Commissioners shall not be prevented from entering into possession of the Lands and Hereditaments so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Deposit herein mentioned not having been made, unless the Party or Parties from whom such Lands and Hereditaments shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Commissioners, deliver a Bill of their said Costs, Charges, and Expences to the said Commissioners, with the Name of a Solicitor as their Referee for the Purposes herein-after mentioned; and if the said Commissioners and the Party or Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the said Commissioners shall name a Solicitor as

Expences of Titles to be paid by the said Commissioners.

as a Referee on their Part, and deposit the Amount of the Costs, Charges, and Expences claimed by such Party or Parties as aforesaid in the Hands of the said Two Referees, to answer the same; and such Costs, Charges, and Expences shall be settled and determined by the said Two Referees, or in case they should differ about the same, then by a Third Solicitor, as Umpire, to be named and appointed by such Two first Referees before they proceed on the Matter referred to them; and the Award and Determination of the said Two Referees or of the said Umpire, as the Case may be, shall be binding and conclusive, and shall be made within One Calendar Month from the Time of making such Deposit as is herein-before mentioned; and upon such Award and Determination being made the said Referees shall, by and out of the Money so deposited with them, pay to the Party or Parties from whom the said Lands and Hereditaments shall be so purchased as aforesaid the Amount of the Costs, Charges, and Expences which shall be so awarded and determined, and the Remainder of the said Money so deposited shall be returned to the said Commissioners: Provided also, that the Expence of determining such Costs, Charges, and Expences as aforesaid shall be paid and borne by the said Commissioners, unless One Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the Expence of determining the same shall be borne and paid by the said Sellers, and the Amount thereof may then be deducted by the said Commissioners from the Sum payable by them under the Award and Determination of the said Two Referees or of the said Umpire.

How such Costs are to be ascertained.

XIX. And be it enacted, That in case any Difference should arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken or used for the Purposes of this Act, as to the Amount or Value of the Damage done by the said Commissioners, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the Parties, the same shall, in case the Amount of Damages claimed does not exceed Fifty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the County of *Kent*, and who, on Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners; and in all Cases in which as by this Act any Matters are referred to the Decision of any Justices it shall be lawful for such Justices to examine Witnesses and administer Oaths in all respects, and with the same Consequences as to false Swearing, as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate.

How Price of Land to be ascertained in case of Difference.

XX. And be it enacted, That all Persons hereby capacitated to sell, and who may not agree with the said Commissioners as to the Price to be paid, may, if they shall think fit, agree with the said Commissioners to refer it to any Person or Persons to ascertain the Amount to be paid, and every such Agreement shall be in all respects binding and effectual.

XXI. And

Lands, &c. to vest in Commissioners after Payment or Tender of Purchase Money.

XXI. And be it enacted, That from and immediately after the actual Payment or Tender being made of the Money contracted or agreed or assessed or awarded to be paid as the Purchase Money or Compensation for any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Estate or Interest therein, which shall be purchased or taken for the Purposes of this Act, either to the Body or Bodies, Person or Persons respectively entitled to receive such Money, or, where the Case shall so require or allow, into the Bank of *England* for the Purpose of being disposed of in the Manner in this Act directed concerning the same, all and every the Tenements and Hereditaments, and also all the Estates or Interests for or in respect whereof such Money shall have been so paid or tendered, shall absolutely vest in the said Commissioners of *Greenwich* Hospital and their Successors; and the said Commissioners and their Successors shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims and Demands, as fully and effectually as if every Body or Person having any Estate or Interest in the Premises had actually conveyed the same by Lease, or by any Conveyance, Deed, Act, or Assurance in the Law whatsoever; and such Payment or Tender shall not only bar all Right, Title, Interest, Claim, or Demand of the Body or Bodies, Person or Persons, or unknown Person or Persons, of, in, or to the same Premises to whom or to whose Credit or for whose Benefit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail, and other Estates in possession, reversion, remainder, expectancy or contingency, and the Issue and Issues of such Person and Persons, and every other Person whomsoever: Provided nevertheless, that before such Payment or Tender it shall not be lawful for the said Commissioners of *Greenwich* Hospital, or their Successors, or any Person or Persons authorized by them, to take possession of any of the said Houses, Buildings, Lands, Tenements, or Hereditaments comprised in or affected by such Agreement or Verdict respectively, or to enter upon or use the same for any of the Purposes of this Act.

Determination of Differences as to Consideration for Release of Hereditaments from Charges.

XXII. And with respect to any Houses, Buildings, Lands, Tenements, or Hereditaments, Lands which shall be charged with any Rent Service, Rent-charge, or chief or other Rent, or other Payment or Incumbrance, be it enacted, That if any Difference shall arise between the said Commissioners and the Party entitled to any such Charge respecting the Consideration to be paid for the Release of such Hereditaments therefrom, or from the Portion thereof affecting the Hereditaments required for the Purposes of this Act, the same shall be determined as in other Cases of disputed Compensation.

When Part only of Hereditaments so charged are required, the Apportionment of

XXIII. And be it enacted, That if Part only of the Hereditaments charged with any such Rent Service, Rent-charge, chief or other Rent, Payment or Incumbrance, be required to be taken for the Purposes of this Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge

Charge may be settled by Agreement.

and the Owner of the Hereditaments on the one Part, and the said Commissioners on the other Part; and if such Apportionment be not so settled by Agreement, the same shall be settled by Two Justices; but if the remaining Part of the Hereditaments so jointly subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Hereditaments so jointly subject, such Owner not being under legal Disability or Incapacity, the Party entitled to such Charge may release therefrom the Hereditaments required, on condition or in consideration of such other Hereditaments remaining exclusively subject to the whole thereof.

Where Part of Hereditaments taken, remaining Portion to be subject to whole of Charge.

XXIV. And be it enacted, That if any such Hereditaments be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Hereditaments, such last-mentioned Hereditaments shall alone be charged with the whole of such Charge, or with the Remainder thereof, (as the Case may be,) and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Hereditaments, for the whole or for the Remainder of the Charge (as the Case may be), as he had previously over the whole of the Hereditaments subject to such Charge; and if upon any such Charge or Portion of Charge being so released the Deed or Instrument creating or transferring such Charge be tendered to the said Commissioners for the Purpose, they shall affix their Corporation Seal to a Memorandum of such Release, endorsed on such Deed or Instrument, declaring what Part of the Hereditaments originally subject to such Charge shall have been purchased by virtue of this Act, and if the Hereditaments be released from Part of such Charge, what Proportion of such Charge shall have been released, and how much thereof continues payable, or if the Hereditaments so required shall have been released from the whole of such Charge, then that the remaining Hereditaments are thenceforward to remain exclusively charged therewith; and such Memorandum shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

As to Apportionment of Rent of Hereditaments where Part only required for Purposes of the Act.

XXV. And with respect to any Houses, Buildings, Lands, Tenements, and Hereditaments which shall be comprised in a Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands; and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the said Commissioners on the other Part; and if such Apportionment be not so settled by Agreement between the Parties, such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of this Act; and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants,

Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of this Act, in the same Manner as they would have done in case such Part of the Land had been included in the Lease.

Compensation to Leaseholders.

XXVI. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the Commissioners Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of any such Works.

Compensation to yearly Tenants.

XXVII. And with respect to any Houses, Buildings, Lands, Tenements, or Hereditaments in the Possession of any Person having no greater Interest therein than as Tenant for a Year or from Year to Year, be it enacted, That if any such Person be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by the Severance of the Lands required from those not required; and the Amount of such Compensation shall be determined by Two Justices in case the Parties differ about the same.

Parties claiming Satisfaction in respect of unexpired Terms to produce Leases.

XXVIII. And be it enacted, That in all Cases where any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term, Estate, or Interest in any Houses, Lands, Tenements, or Hereditaments which shall be purchased or taken for the Purposes of this Act under or by virtue of any Demise, Lease, or other Grant thereof, the said Commissioners of *Greenwich* Hospital and their Successors shall and they are hereby authorized to require such Party to produce and show the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be produced and shown, the Party claiming under the same shall be considered as holding only from Year to Year, unless it can be satisfactorily shown that such Lease is lost or mislaid, or beyond the Control of the Party claiming as aforesaid, in which Case reasonable Proof of the Nature of the Term or Interest shall be adduced.

Incumbrancer, on Tender of Amount of immediately to assign Interests to Commissioners.

XXIX. And be it enacted, That every Incumbrancer, whether Mortgagee, Judgment Creditor, or other Party having any Security or Charge whatsoever on any Houses, Buildings, Lands, Tenements, or Hereditaments, the whole or any Part of which shall be purchased or taken for the Purposes of this Act, shall, on Tender of the Principal and Interest due thereon, together with the Amount (in case of a Mortgage, but not otherwise) of Six Calendar Months Interest on the said Principal Money, by the said Commissioners of *Greenwich* Hospital or their Successors, or by such Person or Persons as they shall appoint, immediately convey, assign, release, and transfer such Mortgage or other Security or Charge to the said Commissioners or their Successors, or to such Person or Persons as they shall appoint;

or

or in case such Incumbrancer as aforesaid (being a Mortgagee) shall have Notice in Writing from the said Commissioners of *Greenwich* Hospital or their Successors, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on such Mortgage at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then at the End of Six Calendar Months, on Payment of the Principal and Interest so due, such Incumbrancer (being a Mortgagee) shall convey, assign, release, and transfer his or her Interest in the Premises to the said Commissioners or their Successors, or such Person or Persons as they shall appoint; and in case such Incumbrancer (of whatever Description) shall refuse to convey, assign, release, and transfer as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage or other Security or Charge shall from thenceforth cease and determine: Provided always, that in case the Sum due or payable for Principal and Interest upon any such Mortgage or other Security or Charge shall amount to more than the real Value of the said Premises to be purchased or taken for the Purposes of this Act, such Value to be ascertained by the Verdict of a Jury in manner herein-before directed, then the said Commissioners of *Greenwich* Hospital or their Successors shall not be liable to pay to such Incumbrancer more than the real Value of such Premises, to be ascertained as aforesaid, or the Residue thereof, after such Allowance and Payment thereout to any Lessee or other Party in possession as herein-before directed; and such Incumbrancer may thereupon accept such ascertained Value, and convey, assign, release, and transfer such Premises, without the Consent of the Mortgagor, or other the Party entitled, either at Law or in Equity, to the Premises subject to such Mortgage or other Security or Charge: Provided also, that in case any such Incumbrancer shall refuse or neglect to convey, assign, release, or transfer as aforesaid, then upon Payment of the Principal Money and Interest due or payable on any such Mortgage or other Security or Charge as aforesaid into the Bank of *England* for the Use of such Incumbrancer, in the Manner herein-before mentioned, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid (in case of a Mortgage), or at any Time (in case of any other Security or Charge), the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money in like Manner as herein-before directed in case of other Payments into the said Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand whatsoever of such Incumbrancer, and of all and every Person or Persons in trust for him or her, shall vest in the said Commissioners of *Greenwich* Hospital or their Successors, and they shall (in case of a Mortgage) be deemed to be in the actual Possession of the Premises comprised in such Mortgage, or of the Part thereof so purchased or taken as aforesaid, to all Intents and Purposes whatsoever: Provided also, that if the Sum due for Principal and Interest in respect of any Mortgage or other Security or Charge of or on any Houses, Lands, Tenements, and Hereditaments, the whole or any Part of which shall be purchased or taken for the Purposes of this Act, shall amount to more than the Value of the Premises charged therewith, or the Part thereof so purchased or taken as

aforesaid, such Incumbrancer shall, upon Payment or Tender of the Sum to be ascertained as the Value of the Houses, Buildings, Lands, Tenements, and Hereditaments, or Part thereof, to be purchased or taken as aforesaid, forthwith convey, assign, release, and transfer his or her Interest or Claim in or upon such Houses, Buildings, Lands, Tenements, and Hereditaments, or such Part thereof, to the said Commissioners of *Greenwich* Hospital or their Successors, or to such Person or Persons as they shall appoint; and in default of so doing, and on Payment of such Money into the Bank of *England* for the Use of such Incumbrancer, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as aforesaid; and thereupon all the Estate, Right, Title, Interest, Property, Claim, and Demand of such Incumbrancer, and all and every Person or Persons in trust for him or her in the said Houses, Buildings, Lands, Tenements, and Hereditaments, or Part thereof, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Commissioners and their Successors, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Incumbrancer by virtue of such Mortgage, Security, or Charge: Provided always nevertheless, that, notwithstanding any thing hereinbefore contained, every such Incumbrancer as aforesaid, the whole of whose Principal Money and Interest due or payable as aforesaid shall not be paid or tendered in full, shall in any of the Cases aforesaid have, retain, and be entitled to such and the same Powers, Remedies, and Means for recovering and compelling Payment of the Principal Money, or the Residue thereof, as the Case may be, and the Interest thereof respectively upon and out of the Residue of the Hereditaments not required for the Purposes aforesaid, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Hereditaments originally comprised in such Mortgage or other Security or Charge, and also shall have and retain all his Rights and Remedies in respect of such Principal Money, or the Residue thereof, (as the Case may be,) and the Interest thereof respectively, against any Person or Persons whomsoever in respect of any personal, collateral or other Security whatsoever.

In case Mortgage Money amount to more than the Value of the Premises, the Mortgagors, on Payment of Value of Hereditaments, to assign their Interest to Commissioners.

XXX. And be it enacted, That if the Sum due for Principal and Interest in respect of any Mortgage or other Security or Charge of or on any Houses, Buildings, Lands, Tenements, and Hereditaments, the whole or Part whereof shall be purchased or taken for the Purposes of this Act, shall amount to more than the Value of the Premises charged therewith, or of such Part or Parts thereof as shall be purchased or taken as aforesaid, the Mortgagor or Mortgagors, or other the Person or Persons entitled either at Law or in Equity, subject to such Mortgage or other Security or Charge, shall, upon Payment or Tender of the Sum to be awarded or assessed as the Value of the Houses, Buildings, Lands, Tenements, and Hereditaments, or Part thereof, to be so purchased or taken as aforesaid, to such Mortgagee or Party, or into the Bank as aforesaid, forthwith, without any Consideration, convey, assign, and release his or her

Right, Equity of Redemption, Estate, or other Interest whatsoever in such Houses, Buildings, Lands, Tenements, and Hereditaments, or Part thereof, to the said Commissioners of *Greenwich* Hospital or their Successors, or to such Person or Persons as they shall appoint, and in default of so doing shall be thenceforth barred and foreclosed from all Right, Equity of Redemption, Estate, and Interest whatsoever of and in the same Premises; and all the Estate, Right, Title, Interest, Property, Claim, and Demand of such Mortgagor or Party, and of every Person or Persons in trust for him or her in the said Premises, shall vest in the said Commissioners and their Successors, and they shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever.

Powers given to Commissioners to apply to Purchases already made as well as to Purchases to be made.

XXXI. And be it enacted, That the Powers and Authorities by this Act given to the said Commissioners of *Greenwich* Hospital and their Successors for the Purchase of the Houses, Buildings, Lands, Tenements, and Hereditaments mentioned and comprised in the said Schedule to this Act annexed shall apply as well to any Purchases already made or agreed to be made as to such as shall hereafter be made under the Provisions of this Act.

Power to arch over Drains, &c.

XXXII. And be it enacted, That it shall be lawful for the said Commissioners of *Greenwich* Hospital and their Successors, and they are hereby authorized and empowered, in forming the said Street, and making the Alterations and Improvements, to cause to be arched over or filled up any Sewer or Drain, or Part or Parts thereof, which shall lie and be in or near the said Street, so as that no public Sewer or Drain whatsoever, or any private Drain, shall be in anywise disturbed, injured, or prejudiced, without another Drain or Sewer being made in lieu thereof equally serviceable and convenient to the Individual or Neighbourhood: Provided always, that at the Time of filling up any Sewer or Drain, or Part thereof, the said Commissioners of *Greenwich* Hospital, or their Successors, shall cause to be made and built other good and sufficient Sewers and Drains of the same or greater Size or Capacity, and upon the same or lower Levels than the Sewers or Drains which shall be filled up: Provided also, that if at any Time the said Commissioners of *Greenwich* Hospital shall alter or remove any Sewer, Drain, Bank, or other Work at present within the Jurisdiction of the Commissioners of Sewers for the Limits extending from the Head of the River *Ravensbourne* to *Lombards Wall* in the County of *Kent*, and to build any other in lieu thereof, such Alteration, Removal, or rebuilding shall be done under the Superintendence and to the Satisfaction of the said Commissioners of Sewers or their Surveyor for the Time being, at the Cost, nevertheless, of the said Commissioners of *Greenwich* Hospital.

Power to stop up certain Roads.

XXXIII. And be it enacted, That it shall be lawful for the said Commissioners of *Greenwich* Hospital and their Successors to take and stop up the several Roads or Ways called or known respectively as "*Friar's Road*," situate in the Parish of *Greenwich* in the County of *Kent*, commencing on the North Side of a certain Road or Highway called "*Romney Road*," and proceeding Northwards to a certain Place called "the *Ship Dock*," and which said Road or Way so proposed to

be taken and stopped up is in Length Five hundred and seventy-one Feet or thereabouts, and in Breadth Forty Feet or thereabouts; also another Road or Way commencing on the East Side of *King William Street* in *Greenwich* aforesaid, and proceeding thence Eastward up to the West Side of *Friar's Road* aforesaid, and which said lastly-described Road or Way is in Length Three hundred and twenty-nine Feet or thereabouts, and in Breadth Forty-five Feet or thereabouts; and also Part of another Road, Highway, or Place called "the *Ship Dock*," in the Parish of *Greenwich* aforesaid, commencing at the North End of the said Road or Highway called "*Friar's Road*," and proceeding Northwards One hundred and six Feet, and being in Breadth at the South End thereof Ninety-three Feet or thereabouts, and at the North End thereof Sixty-three Feet or thereabouts; also so much of another Road or Highway called "*Stable Yard Street*" as lies between the East Side of *King William Street* and the West Side of the said Street or Highway called "the *Ship Dock*," and which said last-mentioned Street is in Length Two hundred and fifty Feet or thereabouts, and in Breadth at the West End thereof Twenty-seven Feet or thereabouts, and at the East End thereof Twenty-four Feet or thereabouts; and also a Court or Passage called or known as "*Whitehorse Alley*," commencing on the North Side of *Stable Yard Street*, and ending on the South Side of *Fisher Lane*, and which said Court or Passage is in Length One hundred and twenty-four Feet or thereabouts, and in Breadth Five Feet Six Inches or thereabouts; all which said Roads, Ways, Street, and Passage are in the said Parish of *Greenwich* in the County of *Kent;* and the said Roads, Ways, Street, and Passage shall henceforth for ever hereafter cease to be Ways, Street, or Passage, and the Soil and Freehold thereof shall be henceforth vested in the said Commissioners of *Greenwich* Hospital and their Successors, freed and discharged from all private Right of passing and repassing along the same.

After Formation of new Street, same to be a public Highway.

XXXIV. Provided always, and be it enacted, That after the said *Fisher Lane* shall be formed and completed to an average Width of Fifty Feet, such new Street shall be and thenceforth for ever thereafter shall continue and remain a public Highway to all Intents and Purposes, and be subject to the like Restrictions, Provisions, Powers, Liberties, Privileges, Matters, and Things, both parliamentary and parochial, as any other of the existing Highways within the Parish of *Greenwich*, not being Turnpike Road, is or are now subject.

Roads and Ways not to be stopped up till Fisher Lane widened.

XXXV. And be it enacted, That it shall not be lawful for the Commissioners of *Greenwich* Hospital to stop up the Roads and Ways herein-before described until after the said Commissioners shall have caused the said Street or Lane called "*Fisher Lane*" to be widened in the Manner by this Act provided.

Passage between Ship Dock and Ship Tavern to be opened before said

XXXVI. And be it enacted, That the public Passage at present existing and covered over between the Waterway of the *Ship Dock* and the Eastern Wall of the present House called the *Ship Tavern*, being of the Width of about Five Feet Ten Inches, shall, before the said Roads and Ways are stopped up, be thrown open, so far as the

Roads, &c. are stopped up.

the said Commissioners of *Greenwich* Hospital have Power over the same.

Power of Commissioners to lease Mines, &c. for 21 Years authorized by 10 G. 4. c. 25. extended to leasing them for 42 Years, subject to the Provisions in the said Act.

XXXVII. And whereas by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Management of the Affairs of* Greenwich *Hospital*, the Commissioners of *Greenwich* Hospital and their Successors are authorized from Time to Time and at all Times thereafter, in such Manner as they shall deem expedient, with the Approval and Consent of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being, to grant, demise, and lease all and every or any of the Mines of Lead, Ironstone, and Coal, and other Minerals and Quarries within, under, and upon any of the Lands or Estates for the Time being vested in or belonging to the Commissioners of *Greenwich* Hospital and their Successors, and also any Part or Parts of the said Lands and Hereditaments which may be thought expedient or proper to be let therewith for the better or more effectually working the same, unto any Person or Persons for any Term or Number of Years, not exceeding Twenty-one Years, and subject to the Restrictions and Provisions in the said Act in that Behalf mentioned: And whereas it is expedient that the said Commissioners should, with such Approval and Consent as aforesaid, have Power to grant such Leases for any Term not exceeding Forty-two Years; be it enacted, That it shall be lawful for the said Commissioners of *Greenwich* Hospital and their Successors, with the Approval and Consent of the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral for the Time being, to grant, demise, and lease for the Term of Forty-two Years, all Mines, Minerals, and Quarries, and Lands and Hereditaments expedient or proper to be let therewith, as by the said Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth the said Commissioners and their Successors are authorized to grant, demise, and lease for the Term of Twenty-one Years, but subject nevertheless to the Restrictions and Provisions in the said Act in that Behalf contained.

Public Act.

XXXVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The

The SCHEDULE to which this Act refers.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House and Premises known as the "Crown and Anchor" Public House in the Ship Dock.	Thomas Fry and George Fry.	Thomas Muddell -	Thomas Muddell.
A House and Premises known as "The Chest" Public House in the Ship Dock.	Isaac Walker and Edwin Walker as to Two Thirds, Willoughby Richard Crofts as to Two Fourths of a Third, John James Harris, Executor under the Will of Eleanor Charles, as to One Fourth of a Third, and Robert Howard and Mary Ann his Wife as to One other Fourth of a Third.	Isaac Walker and Edwin Walker as to One Third, and James Pratt and Samuel Pratt and James Talbot as to the whole.	James Talbot.
A House and Premises known as the "Red Lion" Public House in the Ship Dock.	Ditto - -	Isaac Walker and Edwin Walker as to One Third.	James Jeffrey.
A House and Premises at the East Corner of the South Side of Fisher Lane.	Ditto - -	Isaac Walker and Edwin Walker as to One Third, and George Slaney and Mary Barrett as to the whole.	James Jordan.
A House on the South Side of Fisher Lane.	Sarah Emma Leaver	- - -	Sarah Berry, —— Bolsom, and Henry Wicks, as weekly Tenants.
Another ditto - ditto -	Ditto - -	- - -	William Owen, as weekly Tenant.
A House situate in a Court behind the Two last-mentioned Houses.	Ditto - -	- - -	Mrs. Sarah Dowd, Jemima Martin, and Richard Courtenay, as weekly Tenants.
Another ditto - ditto -	Ditto - -	- - -	John Hodges, Joseph Acton, and Henry Bond, as weekly Tenants.
Another ditto - ditto -	Ditto - -	- - -	Mrs. Bligh, as weekly Tenant.
Another ditto - ditto -	Ditto - -	- - -	—— Lilley, as weekly Tenant.
Another ditto - ditto -	Ditto - -	- - -	William Smith, Edward Burn, and James Fleming, as weekly Tenants.
Out-buildings, Yard, and Passage used in common by the Tenants of the Seven preceding Houses.	Ditto.	——	——

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House and Premises on the North Side of Fisher Lane.	Sarah Emma Leaver	- - -	Robert Ripp, as weekly Tenant.
Another ditto - ditto -	Ditto - -	- - -	John Doo - } yearly
Another ditto - ditto -	Ditto - -	- - -	John Amatrich } Tenants.
A House and Premises known as "The Lord Ligonier's Head" Public House on the North Side of Fisher Lane.	Richard R. Roberts -	Edward Thomas Phillips.	Edward Thomas Phillips.
A House and Premises on the North Side of Fisher Lane.	Sir Richard Dobson, Knight, and John Sutton, Esquire.	- - -	James Allen.
Another ditto - ditto -	Ditto - -	- - -	Sarah Pilgrim.
A Piece of Land at the Rear of the Houses on the North Side of Fisher Lane.	The Greenwich Pier Company.	- - -	The Greenwich Pier Company.
Another Piece of Land on which the Colonnade of the Greenwich Pier stands.	Ditto - -	- - -	Ditto.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

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as is prescribed by 48 G. 3. c. 1. 4 & 5 W. 4. c. 15. 5 & 6 Vict. c. 66.

of Nine millions three hundred and seventy-nine thousand six hundred Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

The Clauses, &c. in recited Acts extended to this Act.

II. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Treasury to apply the Money raised.

III. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills, how to be charged and paid.

IV. And be it enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Bills.

V. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills charged on Supplies to be current in Payment of Public Revenue after Twelve Calendar Months from their Dates.

VI. And be it enacted, That all the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

VII. And

VII. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Nine millions three hundred and seventy-nine thousand six hundred Pounds; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 9,379,600*l.* on the Credit of Bills, notwithstanding 5 & 6 W. & M. c. 20.

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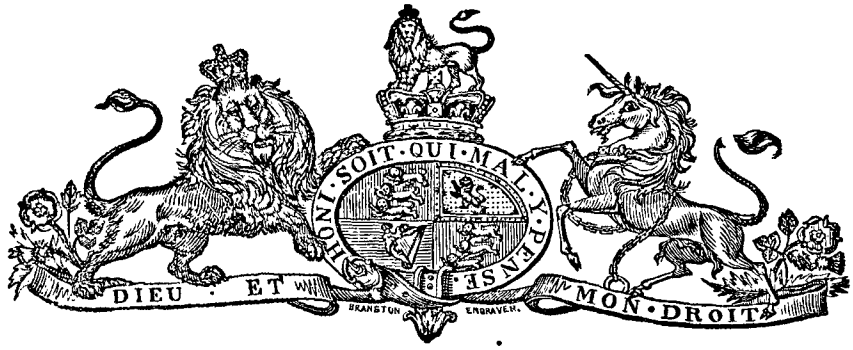

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CAP. XXIV.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-six.

[30th *June* 1845.]

WHEREAS divers Persons, who, on account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or Assurance respectively appointed to be by such Persons taken and subscribed in and by an Act passed in the First Year of the Reign of His Majesty King *George* the First, of glorious Memory, intituled *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess* Sophia, *being Protestants; and for extinguishing the Hopes of the pretended Prince of* Wales, *and his open and secret Abettors;* or to have qualified themselves according to an Act passed in the Thirteenth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for the well-governing and regulating of Corporations;* or to have qualified themselves

1 G. 1. st. 2. c. 13.

13 C. 2. st. 2. c. 1.

themselves according to another Act passed in the Twenty-fifth Year of
25 C. 2. c. 2. the Reign of His Majesty King *Charles* the Second, intituled *An Act for preventing the Dangers which may happen from Popish Recusants*; or according to another Act passed in the Thirtieth Year of the Reign of
30 C. 2. st. 2. His Majesty King *Charles* the Second, intituled *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; or according to another Act passed in the Eighth Year of the Reign of His Majesty
8 G. 1. c. 6. King *George* the First, intituled *An Act for granting the People called* Quakers *such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under*; or according to another Act passed in the Ninth Year of the Reign of His Majesty
9 G. 2. c. 26. King *George* the Second, intituled *An Act for indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, and for allowing further Time for that Purpose; and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty as requires Persons to qualify themselves for Offices before the End of the next Term or Quarter Sessions; and also for enlarging the Time limited by Law for making and subscribing the Declaration against Transubstantiation; and for allowing a further Time for Enrolment of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers, Devisees, and Lessees*; or according to another Act passed in the Eighteenth Year
18 G. 2. c. 20. of the Reign of His Majesty King *George* the Second, intituled *An Act to amend and render more effectual an Act passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act for the further 'Qualification of Justices of the Peace;'* or according to another Act passed in the Sixth Year of the Reign of His Majesty King *George*
6 G. 3. c. 53. the Third, intituled *An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act passed in the Seventh Year of the Reign of Her late Majesty Queen* Anne, *intituled 'An Act for the Improvement of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason*; or according to another Act passed in the Ninth Year of the Reign of His Majesty King *George* the
9 G. 4. c. 17. Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments*; or according to another Act passed in the Tenth Year of the Reign of His said
10 G. 4. c. 7. Majesty, intituled *An Act for the Relief of His Majesty's Roman Catholic Subjects*, so far only as the said Act relates to any Civil or Military Offices or Places of Trust, or Places of Profit or Corporate Offices; have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the Oaths and Assurance and make and subscribe the Declaration required by the said recited Acts, or either of them, or otherwise to qualify themselves as aforesaid, within such Time and in such Manner as in and by

the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities: For quieting the Minds of Her Majesty's Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-six, shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the said Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all Elections of, and Acts done or to be done by, any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and that the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath,

Persons who have omitted to qualify themselves as required by the recited Acts indemnified and allowed further Time.

Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oath and Declaration required by the Irish Act of 2 Anne.

II. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery*; be it therefore enacted, That all Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned; any thing in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-six.

Not to indemnify Persons against whom final Judgment has been given.

III. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information, in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

IV. Provided also, and be it enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after the Time allowed.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other Public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough

Borough Towns which by several Acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid; be it enacted, That for the Relief of such Persons whose Appointments and Admissions, or the Entries of whose Admissions as aforesaid, may not have been provided or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-six, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped; or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners appointed to inspect and manage the Revenues of the Stamp Duties, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of Double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Offices or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

VI. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided

Not to restore Persons to any Office avoided by Judgment.

avoided by Judgment of any of Her Majesty's Courts of Record, already legally filled up and enjoyed by any other Person, but that such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

VII. And be it enacted, That in case any Action, Suit, Bill of Indictment, or Information shall from and after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

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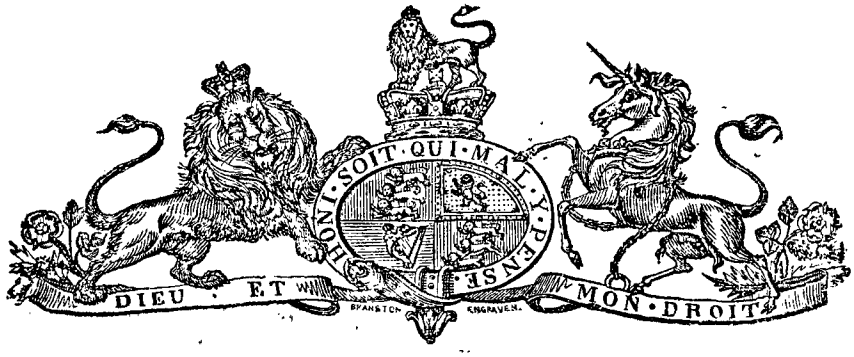

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XXV.

An Act to amend Two Acts passed in *Ireland* for the better Education of Persons professing the Roman Catholic Religion, and for the better Government of the College established at *Maynooth* for the Education of such Persons, and also an Act passed in the Parliament of the United Kingdom for amending the said Two Acts. [30th *June* 1845.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Education of Persons professing the Popish or Roman Catholic Religion*, it was amongst other things enacted, that the Lord Chancellor or Lord Keeper of *Ireland*, the Lord Chief Justice of the Court of King's Bench in *Ireland*, the Lord Chief Justice of the Court of Common Pleas in *Ireland*, and the Lord Chief Baron of the Court of Exchequer in *Ireland*, for the Time being, together with certain other Persons therein named, and the Persons thereafter to be elected in the Manner by the said Act directed, should be Trustees for the Purpose of establishing, endowing, and maintaining One Academy for the Education only of Persons professing the Roman Catholic 35 G. 3. (I.)

Religion, and that the said Trustees should have full Power and Authority to receive Subscriptions and Donations to enable them to establish and endow an Academy for the Education of Persons professing the Roman Catholic Religion, and to purchase and acquire Lands not exceeding the annual Value of One thousand Pounds, and to erect and maintain all such Buildings as might be by the said Trustees deemed necessary for the lodging and Accommodation of the President, Masters, Professors, Fellows, and Students who should from Time to Time be admitted into or reside in said Academy; and it was further enacted, that it should and might be lawful for any Popish Ecclesiastic to officiate in a Chapel or Building to be appointed for that Purpose by the said Trustees or any Seven or more of them, any Law, Statute, or Provision to the contrary notwithstanding: And whereas by an Act amending the said Act, and passed in the Parliament of *Ireland* in the Fortieth Year of His said late Majesty King
40 G. 3. (I.) *George* the Third, intituled *An Act for the better Government of the Seminary established at* Maynooth *for the Education of Persons professing the Roman Catholic Religion; and for amending the Laws now in force respecting the said Seminary*, after reciting that a College or Seminary had been established at *Maynooth* for the Education of Persons professing the Popish or Roman Catholic Religion, and that large Sums of Money had been granted to the Trustees named in the Act herein-before recited, to enable them to improve and extend the said Institution, and that it had become necessary to make further Provision for the good Government of the said College or Seminary, it was amongst other things enacted, that the Lord Chancellor or Lord Keeper of the Great Seal, the Lord Chief Justice of the Court of King's Bench, the Lord Chief Justice of the Court of Common Pleas, the Chancellor of the Exchequer, and the Lord Chief Baron of the Court of Exchequer should cease to be Trustees for carrying the said first-recited Act into execution, and that their Successors in the said Offices respectively should not thereafter be Trustees by virtue of the said first-recited Act for carrying it into execution, and that the other Persons named in the said first-recited Act in that Behalf, or such other Persons as had been elected or thereafter should be elected to fill any Vacancy occasioned by the Death, Removal, or Resignation of any such Persons respectively, should continue Trustees for the Execution of the said first-recited Act, as fully and effectually, to all Intents and Purposes, as if the said Act now in recital had not been enacted: And whereas by a certain other Act, passed in the Forty-eighth Year of the Reign of His said
48 G. 3. c. cxlv. late Majesty King *George* the Third, intituled *An Act to amend Two Acts passed in* Ireland *for the better Education of Persons professing the Roman Catholic Religion, and for the better Government of the Seminary established at* Maynooth *for the Education of such Persons, so far as relates to the Purchase of Lands and compounding Suits*, it was amongst other things enacted, that it should be lawful for the Trustees for the Time being of the said College or Academy, or any Seven or more of them, to purchase or acquire Lands not exceeding in Value the annual Sum of One thousand Pounds, exclusive of the Value of Lands and Premises held under a Lease from *William Robert* late Duke of *Leinster*, and the Buildings thereon or thereafter to be erected, and used for the Purposes of

the said College or Academy; and it was provided and further enacted, that any Lands, Tenements, or Hereditaments already purchased or acquired under or by virtue of the Power for that Purpose given to the said Trustees or any Seven or more of them in and by the said herein-before first-recited Act should be deemed Part of the Lands which they were so authorized to purchase or acquire as aforesaid, and that no more Lands, Tenements, or Hereditaments should be purchased or acquired by the said Trustees or any Seven or more of them than what, together with any Lands already purchased or acquired by them, would amount to the annual Value of One thousand Pounds: And whereas it is productive of Inconvenience and Insecurity that the said Trustees can take no effectual Grants of Lands for the Purposes of the said College or Seminary to them and their Successors; and it is therefore expedient that the said Trustees should be incorporated: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Trustees of the said College or Seminary, and their Successors for ever, shall be One Body Politic and Corporate by the Name of "The Trustees of the College of *Maynooth*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall have and possess the several Powers and Authorities vested in the said Trustees under the said recited Acts.

Trustees of the College of Maynooth incorporated.

II. And be it enacted, That the said Body Politic and Corporate, and their Successors, by the said Name, shall be for ever able and capable in Law to take, purchase, receive, possess, hold, and enjoy to them and their Successors any Goods or Chattels or Personal Property whatsoever, and also be able and capable in Law (notwithstanding the Statutes in Mortmain) to take, purchase, hold, and enjoy to them and their Successors any Messuages, Lands, Tenements, or Hereditaments whatsoever the yearly Value of which shall not exceed in the whole the Sum of Three thousand Pounds, exclusive of the Value of any Lands, Tenements, or Hereditaments already purchased or acquired by the said Trustees; and it shall be lawful for all and every Person and Persons, and Bodies Politic and Corporate, otherwise competent, to grant, sell, alien, and convey in Mortmain unto and to the Use of the said Body Politic and Corporate incorporated by this Act any Messuages, Lands, Tenements, and Hereditaments not exceeding in the whole such annual Value as aforesaid.

Such Corporate Body may take and possess any Personal Property, and also Lands not exceeding the annual Value of 3,000*l.*, exclusive of the Property already acquired by the Trustees.

III. And be it enacted, That all Lands, Tenements, or Hereditaments which have been at any Time heretofore purchased or in any Manner acquired by the Trustees of the said College, or any Seven or more of them, under or by virtue of the Powers for that Purpose given to them by any of the said herein-before recited Acts, shall be and the same are thereby vested in the said Body Politic and Corporate incorporated by this Act, subject to the Trusts upon which the said Lands, Tenements, and Hereditaments are now respectively held.

Lands, &c. now possessed by the Trustees of Maynooth College to vest in the said Body Politic and Corporate.

IV. And

Provision made for Salaries of the President, Vice President, Officers, and Professors, and for an increased Number of Professors.

IV. And whereas it is expedient that Provision should be made for the Payment of the Salaries of the President, Vice President, Officers, and Professors of the said College, and for the Expence of Commons, Attendance, and other Necessaries to be supplied to and for their Use, and that the Number of Professors therein should be increased; be it therefore enacted, That from and after the passing of this Act there shall be paid and payable to the said Body Politic and Corporate, for the Purposes aforesaid, any Sum or Sums of Money not exceeding in the whole the annual Sum of Six thousand Pounds.

Provision for the Senior Students on the Dunboyne Establishment.

V. And whereas by the Statutes of the said College there has been established therein an Order of Students called "Senior Students," amounting to Twenty in Number, to whose exclusive Benefit has been applied the annual Revenue arising from the Bequest of Baron *Dunboyne*, in said Statutes mentioned, together with a further yearly Sum of Seven hundred Pounds out of the annual Parliamentary Grant made to the said College: And whereas it is expedient that the Provision for the said Senior Students on the *Dunboyne* Establishment should be augmented; be it therefore enacted, That from and after the passing of this Act, so long as the annual Revenue arising from the said Bequest of Baron *Dunboyne* shall be applied to the exclusive Benefit of the said Twenty Senior Students, there shall be paid and payable to the said Body Politic and Corporate, for the said Twenty Senior Students, the annual Sums for that Purpose specified in the Schedule (A.) to this Act annexed.

Provision made for 500 Free Students, 250 in the Three Senior Classes, and 250 in the Four Junior Classes.

VI. And whereas there are Three Senior and Four Junior Classes in the said College, and Two hundred and fifty Free Students on the Establishment, maintained and educated out of the annual Parliamentary Grant made to the said College: And whereas it is expedient that Provision should be made for an additional Number of Free Students; (that is to say,) for Two hundred and fifty Free Students in the said Three Senior Classes, and Two hundred and fifty Free Students in the said Four Junior Classes; be it therefore enacted, That from and after the passing of this Act there shall be paid and payable to the said Body Politic and Corporate, for each of the said Two hundred and fifty Free Students in the said Three Senior Classes, the annual Sums for that Purpose specified in the Schedule (A.) to this Act annexed.

Provision for the Expence of Commons and other Necessaries.

VII. And be it enacted, That in order to provide for the Expence of Commons, Attendance, and other Necessaries to be supplied to and for the Use of the said Senior Students on the *Dunboyne* Establishment, and to and for the Use of the said Five hundred Free Students, there shall be paid and payable to the said Body Politic and Corporate, for the Purposes aforesaid, any Sum or Sums of Money not exceeding in the whole the annual Sum of Twenty-eight Pounds for each such Student.

Commissioners of Public Works to be Commis-

VIII. And whereas the Buildings for the public Purposes of the said College, and for the lodging and Accommodation of the Professors and Students, are inadequate and insufficient and out of repair, and it

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is expedient that Provision should be made for the Erection of additional Buildings for the Purposes aforesaid, and that the present Buildings should be put into sufficient Repair, and that said Buildings, together with the Additions to be made thereto, should from Time to Time be kept in repair, and provided with sufficient and necessary Furniture; be it therefore enacted, That the Commissioners of Public Works in *Ireland* for the Time being shall be and they are hereby constituted Commissioners for the Purpose of purchasing, renting, or providing, as herein-after mentioned, any Houses, Buildings, Lands, Tenements, or Hereditaments that may be necessary for the said College and the Purposes aforesaid, and for erecting thereon suitable and necessary Buildings and Improvements, and for enlarging, improving, upholding, maintaining, repairing, fitting up, and furnishing from Time to Time the said College, and the Buildings and Premises occupied therewith.

sioners for Repairs to Maynooth College, and for the Erection of additional Buildings, and furnishing same.

IX. And be it enacted, That in order to enable the said Commissioners of Public Works in *Ireland* to purchase and provide the Buildings, Lands, Tenements, or Hereditaments which may be required for the said College, and the Additions to be made thereto, it shall and may be lawful for the said Commissioners, at the Request of the said Body Politic and Corporate, and by and with the Consent and Approbation in Writing of the Commissioners of Her Majesty's Treasury, to contract and agree with any Person or Persons, or Body or Bodies Corporate or Politic, for the Purchase or renting of any Buildings, Lands, Tenements, or Hereditaments required for such College, and in order to make the necessary Additions thereto, and also for the Purchase of any subsisting Leases, Terms, Estates, or Interests therein or Charges thereon; and the said Buildings, Lands, Tenements, or Hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to the said Trustees of the College of *Maynooth* incorporated by this Act.

Pow Commissioners of Public Works to purchase or provide necessary Buildings, Lands, &c.

X. And be it enacted, That all and every the Expence of purchasing or providing the Houses, Buildings, Lands, Tenements, or Hereditaments necessary for the said College under the Provisions of this Act, and of erecting the necessary Buildings for the same, and of putting the said College into repair, and of fitting up and furnishing the same and the Buildings so to be erected, not exceeding in the whole the Sum of Thirty thousand Pounds, shall be discharged and paid by the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

The Expence of Buildings, &c. for such College, not exceeding 30,000*l*., to be paid out of the Consolidated Fund.

XI. And be it enacted, That the several Sums payable by this Act and the Schedule thereto annexed shall be charged upon and payable by the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Sums payable by this Act to be charged on the Consolidated Fund.

XII. And be it enacted, That the Accounts of the Receipt and Expenditure of all Monies paid under the Provisions of this Act shall once in each Year be forwarded to the Commissioners of Her Majesty's

Audit of the Expenditure under this Act.

Treasury by the said Body Politic and Corporate incorporated by this Act, and shall be by the said Commissioners referred for Audit to such Person or Persons as the said Commissioners shall from Time to Time in that Behalf appoint; and that the said Person or Persons so appointed shall thereupon proceed to the Examination, Audit, and Discharge of the said Accounts, at such Time and in such Manner as the said Commissioners shall direct, and shall for that Purpose have and exercise all the Powers and Authorities now possessed by the Commissioners for auditing public Accounts by virtue of any Act or Acts now in force.

So much of the recited Acts as appoints the Persons herein mentioned to be Visitors of the College repealed.

XIII. And whereas it was enacted by the said Act secondly above recited, that the Lord Chancellor or Lord Keeper of the Great Seal of *Ireland* for the Time being, the Lord Chief Justice of His Majesty's Court of King's Bench in *Ireland* for the Time being, the Lord Chief Justice of His Majesty's Court of Common Pleas in *Ireland* for the Time being, the Chancellor of the Exchequer and the Lord Chief Baron of His Majesty's Court of Exchequer in *Ireland* for the Time being, and their Successors in the said Offices respectively, together with certain other Persons in the said Act named, should be and they were thereby nominated and appointed Visitors of the said College or Seminary, with full Visitorial Powers to superintend the same; be it enacted, That from and after the passing of this Act so much of the said recited Acts as enact that the Lord Chancellor or Lord Keeper of the Great Seal, the Lord Chief Justice of the Court of King's Bench, the Lord Chief Justice of the Court of Common Pleas, the Chancellor of the Exchequer, and the Lord Chief Baron of the Exchequer, and their Successors in the said Offices respectively, shall have Visitorial Power over the said Academy or College, and over all Persons on the Foundation or educated therein, shall be and the same is hereby repealed.

Appointment of Visitors of the College.

XIV. And be it enacted, That the other Visitors in being at the Time of the passing of this Act, or such other Persons as shall hereafter be elected to fill any Vacancy on the Death or Resignation of such Visitors, according to the Provisions of the Act herein-before secondly recited, together with such other Five Persons as Her Majesty shall by Warrant under the Sign Manual from Time to Time nominate and appoint, shall be hereafter the Visitors of the said College and Corporation.

Visitations to be held once in the Year.

XV. And whereas by the said Act herein before secondly recited it is amongst other things enacted, that the Visitors in the said Act mentioned, or any Three or more of them, should once in every Three Years from the passing of the said Act visit the said College or Seminary, and call before them the President, Vice President, Professors, Tutors, and all other Members thereof, and the Officers and Servants of the said College or Seminary, and diligently inquire into the Government and Management of the said College or Seminary, and, if necessary, examine on Oath every Member thereof in all Matters touching the Management, Government, and Discipline of the same, or any Violation of the Statutes or Ordinances which had been or should be made for the Admission of any Member of the

said College or Seminary, or for the Government or Discipline of the same; and that the first Visitation of the said College should be held as aforesaid within Twelve Months after the passing of the said Act: And whereas it is expedient that, instead of triennial Visitations by the said last-recited Act appointed, Visitations should be held not less than Once in each Year therein; be it therefore enacted, That the Visitors by this Act appointed, or any Three or more of them, shall once in every Year from the passing of this Act visit the said College or Seminary, and inquire in manner aforesaid into the Management, Government, and Discipline of the same, and shall have the several Powers and Authorities vested in the Visitors under the said Act secondly herein-before recited; and that the first Visitation of the said College shall be held within Twelve Months after the passing of this Act.

Additional Visitations, when ordered by the Lord Lieutenant.

XVI. And be it enacted, That, in addition to such periodical or ordinary Visitation, the Visitors by this Act appointed, or any Three of them, shall in like Manner visit the said College whensoever and so often as they shall be thereunto required by the Lord Lieutenant or other chief Governor or Governors of *Ireland* for the Time being, by Warrant or Order signed by him or them.

Authority of Visitors not to affect the Exercise of the Roman Catholic Religion.

XVII. Provided always, and be it enacted, That the Authority of the said Visitors shall not extend to or in any Manner affect the Exercise of the Roman Catholic Religion or the religious Doctrine or Discipline thereof within the said College or Seminary, otherwise than as herein-after is provided; and that in visiting the said College or Seminary the said Visitors shall judge and determine according to such Bye Laws, Rules, and Regulations as have been or shall be made for the Government and Discipline thereof, pursuant to the Provisions of the said recited Acts or of this Act respectively.

Visitorial Powers in Matters of Religion.

XVIII. And whereas by the said Act herein-before secondly recited it is amongst other things enacted, that in all Matters which relate to the Exercise, Doctrine, and Discipline of the Roman Catholic Religion the Visitorial Power over the said College shall be exercised exclusively by such of the said Visitors as are or shall be of the Roman Catholic Religion, in the Presence of the Lord Chancellor or Lord Keeper of the Great Seal, and of the Three Chief Judges, and the Chancellor of the Exchequer, if they or any of them shall think proper to attend; be it therefore enacted, That in all Matters which relate to the Exercise, Doctrine, and Discipline of the Roman Catholic Religion the Visitorial Power over the said College shall be exercised exclusively by such of the said Visitors of the Roman Catholic Religion as have been or shall be elected under the Provisions of the said Act secondly above recited, in the Presence of the said Persons whom Her Majesty shall, by Warrant under the Sign Manual, from Time to Time nominate and appoint as aforesaid to be Visitors of the said College, if they or any of them shall think proper to attend.

Minutes of the Proceedings of Visitors to be kept.

XIX. And be it enacted, That the Secretary or some other Officer of the said College shall make Minutes of the Proceedings of the said Visitors at their several Visitations, and shall keep a Book in which he

he shall enter a fair Copy of such Minutes, and the Names of the Visitors present at each Visitation; and the said Visitors shall after every Visitation held at the said College report to Her Majesty the several Proceedings held thereat, signed by some Two or more of them; and a Copy of such Report shall be communicated to both Houses of Parliament within Six Weeks after the same shall be made, if Parliament be then sitting, or if not then within Six Weeks next after the next Meeting of Parliament.

Alteration of the Act.

XX. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

SCHEDULE to which this Act refers.

SCHEDULE (A.)

		Annual Stipends. £	s.
20	Senior Students on the Dunboyne Establishment, each	40	0
250	Free Students in the Three Senior Classes - each	20	0

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XXVI.

An Act to prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in *Scotland*. [30th *June* 1845.]

WHEREAS it is expedient that Provision should be made for preventing the Destruction of Trout and other Fresh-water Fish by Nets in the Rivers, Waters, and Lochs of *Scotland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be lawful for any Person whatsoever, not being the Proprietor of the Land through or by which any River or Water flows, or on which any Loch is wholly or partially situated, or not having a Right there to fish for Trout or Fresh-water Fish, or not having a written Permission from some such Proprietor or Person entitled to fish as aforesaid, at any Time after the passing of this Act, to fish for Trout or other Fresh-water Fish in any such River, Water, or Loch in *Scotland*, with any Net of any Kind or Description; and if any Person, not being a Proprietor or having Right or Permission as aforesaid, shall wilfully take, fish for, or attempt to take, or aid and assist in taking or fishing for or attempting to take or fish for, in

Prohibiting fishing for Trout, &c. by means of Nets in any Rivers, &c. in Scotland.

or

or from any such River, Water, or Loch, any Trout or other Fresh-water Fish, by or with any Net of any Kind or Description, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, besides forfeiting the Trout or Fish taken, and also every Boat or Net in or by which the same may have been taken or attempted to be taken, and shall also pay the full Expences of the Conviction.

Penalty for trespassing on any Ground or River to fish with Net.

II. And be it enacted, That if any Person shall trespass upon any Ground, enclosed or unenclosed, or in or upon any River, Water, or Loch, with Intent to take with any Net any Trout or other Fresh-water Fish, such Person shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Possession of Nets Evidence of Intent.

III. And be it enacted, That if any such Trespasser shall have in his Possession any Net of any Description whereby Trout or other Fresh-water Fish may be taken or killed, the Possession thereof shall be held to be sufficient Evidence of the Intent of such Trespasser to commit such Offence.

Persons trespassing may be seized.

IV. And be it enacted, That it shall be lawful for any Person, without any Warrant or other Authority than this Act, *brevi manû*, to seize and detain any Person who shall be found committing any Offence against this Act, and to carry such Person before the Sheriff or any Justice of the Peace in the County within which the Offence shall take place, or to deliver such Person to a Constable, who is hereby required to carry such Person before such Sheriff or Justice, and the Sheriff or Justice of the Peace before whom such Offender shall be brought shall forthwith examine and discharge or commit such Offender until Caution de judicio sisti be found, as the Case may require; and it shall in like Manner be lawful to seize and detain any Boat or Net of any Description used or intended to be used in the Commission of any such Offence, and also any Fish taken by any such Offender, and to give Information thereof to the Sheriff.

Justices and Proprietors not to be disqualified.

V. And be it enacted, That all Justices of the Peace shall and may act in the Execution of this Act notwithstanding that such Justices shall be the Proprietors of Land through or by which any River or Water may flow, or upon which any Loch may be wholly or partially situated, or shall otherwise have a Right of Trout or Fresh-water Fishing in any such River, Water, or Loch, except in Cases in which any such Justice is a Party to the Prosecution of the Case, or is directly interested in the Result thereof; and no such Proprietor or Party having Right as aforesaid shall be incompetent as a Witness to prove any Offence committed against this Act by reason of his being such Proprietor or having such Right.

For the Recovery of Penalties.

VI. And for the Recovery of the Penalties and Forfeitures imposed by this Act, be it enacted, That any such Penalties or Forfeitures may be recovered by summary Proceeding upon Complaint in Writing made by any Party prosecuting for the same to the Sheriff of the County in which such Offence shall be committed, or to the Sheriff of any County in which the Offender may be found, and on such

Complaint

Complaint such Sheriff shall issue a Warrant for bringing the Party complained against immediately before him, or shall issue an Order requiring such Party to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Party complained against either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order and of the Complaint whereon the same has proceeded; and either upon the Appearance or on the Default to appear of the Party complained against it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern, adjudge, and sentence him to pay the Penalty or Forfeiture incurred, and the Expences attending the Conviction, and to grant Warrant for imprisoning him until such Penalty or Forfeiture and Expences shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty or Forfeiture and Expences, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture and Expences shall not have been paid, and which Period shall in no Case exceed Two Calendar Months; and it shall be lawful for the Sheriff to make such Orders concerning the immediate Disposal of any Boat, Net, or Fish seized or forfeited under the Provisions of this Act as may be necessary.

Appeal.

VII. And be it enacted, That it shall be lawful for any Person who shall think himself aggrieved by any Judgment of the Sheriff pronounced in any Case arising under this Act to appeal from the same to the next Circuit Court of Justiciary, or, where there are no Circuit Courts, to the High Court of Justiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, for taking away and abolishing Heritable Jurisdiction in *Scotland*, with this Variation, that such Person shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Forfeiture and Expences awarded against him by the Sentence appealed from, in the event of the Appeal being dismissed or not insisted in, together with any additional Expences that may be awarded by the Court on deciding or dismissing the Appeal; and it shall not be competent to appeal from or bring the Judgment of any Sheriff acting in the Execution of this Act under Review, by Advocation or Suspension or by Reduction, or in any other Way than as herein provided. 20 G. 2. c. 43.

Application of Penalties.

VIII. And be it enacted, That all Penalties and Forfeitures imposed under the Authority of this Act shall, when levied, be paid, the one Half thereof to the Prosecutor, and the other Half to the Poor of the Parish within which the Offence shall have been committed.

Limitation of Actions.

IX. And be it enacted, That no Prosecution or other Proceeding whatever shall be brought or commenced against any Person for any

Offence against this Act, unless the same shall be commenced within Six Calendar Months after such Offence shall have been committed.

Interpretation of Act.

X. And be it enacted, That the Words "River," "Water," or "Loch" occurring in this Act shall mean and include any Stream, Burn, Mill-pool, Mill-lead, Mill-dam, Sluice, Pond, Cut, Canal, and Aqueduct, and every other Collection or Run of Water in which Trouts and other Fresh-water Fish breed, haunt, or are found or preserved; that the Word "Sheriff" shall mean the Sheriff of the County in which the Offence happens or Case arises, and shall include the Sheriff Substitutes of such Sheriffs; that the Singular shall include the Plural Number, and Words importing the Plural Number shall include the Singular; and Words importing the Masculine Gender shall include Females.

Saving the Laws regarding the Salmon Fisheries.

XI. And be it enacted, That nothing herein contained shall affect any Act of Parliament, general or local, passed for the Preservation of the Salmon Fisheries in *Scotland*, or in relation to the fishing of Salmon or Fish of the Salmon Kind in *Scotland*.

Alteration of Act.

XII. And be it enacted, That this Act may be amended or repealed by any Act of Parliament to be passed in the present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XXVII.

An Act to amend the Act to establish Military Savings Banks. [30th *June* 1845.]

WHEREAS, pursuant to an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to establish Military Savings Banks*, there have been established in the several Regiments of Cavalry and Infantry in Her Majesty's Service Regimental Savings Banks for the Custody and Increase of small Savings, belonging to the Non-commissioned Officers and Soldiers serving therein: And whereas such Savings have been applied in diminution of the Charge of the Public Military Expenditure, placed under the Control of the Secretary at War for the Time being: And whereas it is expedient to amend the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Secretary at War for the Time being to authorize, by his Warrant, Payment from the Funds granted for Army Services of the full Amount of the Money received and applied for the Public Service, as well as of any Money which may hereafter be received and applied under and by virtue of the said recited Act, together with the Interest allowed thereon, from the Account

5 & 6 Vict. c. 71.

Secretary at War to direct certain Monies to be paid to the Account of the Commissioners for the Reduction of the

National Debt, and carried to the Account of the Military Savings Banks.

Account of the Paymaster General to the Account of the Commissioners for the Reduction of the National Debt; and the Cashier of the Bank of *England* is hereby required to receive all such Monies, and to place the same into a separate Account, to be raised in the Names of the said Commissioners in the Books of the Governor and Company of the Bank of *England*, denominated "The Fund for the Military Savings Banks:" Provided always, that previous to any Payment being made into the Bank of *England* as aforesaid, the Person applying for that Purpose shall in all Cases produce to the Officer of the Commissioners, at their Office in *London*, a Warrant from the Secretary at War, stating that the Money mentioned therein is Part of the Funds of the Military Savings Banks.

Investment of such Monies.

II. And be it enacted, That the said Commissioners shall cause all the Monies paid into the Bank of *England*, and placed to their Account, in pursuance of this Act, to be invested from Time to Time, under such Regulations as the said Commissioners shall direct, in the Purchase of any Bank Annuities in their Names, and to be carried to the Account herein-before provided; and the Interest or Dividends which shall arise from Time to Time, and become due thereon, shall in like Manner be invested in the Purchase of Bank Annuities: Provided always, that such Interest or Dividends shall not be subject or liable to any Taxes, Charges, or Impositions whatever.

Secretary at War may direct Monies invested in Annuities to be transferred to Account of Paymaster General.

III. And be it enacted, That it shall and may be lawful for the Secretary at War for the Time being, by his Warrant, to require that, within Fourteen Days from the Day the same is lodged at the Office of the said Commissioners, the whole or any Part of the Bank Annuities standing in the Books of the Bank of *England* in the Names of the Commissioners for the Reduction of the National Debt, on account of the Fund for the Military Savings Banks, shall be sold, and the Produce thereof paid to the Account of the Paymaster General at the Bank of *England*.

Commissioners for Reduction of National Debt empowered to sell.

IV. And be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, on the Request as aforesaid of the said Secretary at War, to sell from Time to Time any Part of the said Bank Annuities which shall be standing in their Names in the Books of the Bank of *England* in pursuance of this Act, and the Certificate of the Cashier of the Bank of *England* of the Money having been placed to the Account of the Paymaster General shall be a full and sufficient Discharge to the said Commissioners.

Account to be annually laid before Parliament.

V. And be it enacted, That the gross Amount of all Monies received and paid by the Commissioners for the Reduction of the National Debt under the Authority of this Act, prepared up to the Fifth of *January* in every Year, shall be annually laid before both Houses of Parliament on or before the First Day of *April* in every Year, if Parliament shall be then sitting, or if Parliament shall not be sitting, then within the first Fourteen Days of the next Session of Parliament.

VI. And be it enacted, That the Funds placed in the Hands of the Commissioners for the Reduction of the National Debt under the Authority of this Act shall not be taken to be within the Provisions of any Act heretofore passed relating to Savings Banks, but shall be held in trust for the Non-commissioned Officers and Soldiers of the Army, at the Disposal of the Secretary at War for the Time being. The Funds exempted from Provisions of Acts relating to Savings Banks.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Alteration of Act.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XXVIII.

An Act to empower Canal Companies and the Commissioners of Navigable Rivers to vary their Tolls, Rates, and Charges on different Parts of their Navigations. [30th *June* 1845.]

WHEREAS by divers Acts of Parliament various Canal Companies and the Commissioners or Trustees of several Navigable Rivers have been authorized and empowered to levy and receive certain Tolls, Rates, and Charges for the Use of their respective Canals and Navigations, which Tolls, Rates, and Charges are for the most part required to be levied at one uniform Rate *per* Ton or *per* Mile throughout the entire Length of the said Navigations and Rivers respectively, without regard to any Difference of Circumstances which may exist in reference thereto: And whereas by an Act of Parliament passed in this present Session, called "The Railways Clauses Consolidation Act, 1845," Powers have been given to Railway Companies to vary the Tolls, Rates, and Charges upon Railways, so as to accommodate them to the

Circumstances of the Traffic thereon: And whereas greater Competition for the public Advantage would be obtained if Canal Companies and the Commissioners or Trustees of Navigable Rivers which have already been or may hereafter be from Time to Time incorporated or established, or which are regulated under the Authority of Parliament, were to have the like Powers granted to them in respect of their several Canals and Navigations and other Works connected therewith; but such beneficial Purposes cannot be effected without the Authority of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, and subject to the Provisions and Limitations herein contained, it shall be lawful for the Company of Proprietors of any Canal, or for the Undertakers, Commissioners, or Trustees of any Navigation or navigable River, already or hereafter to be established or incorporated or which is regulated under the Authority of Parliament, or for their respective Lessees, Committees, Directors, or Managers, or their Superintendents, or other Agents by them severally authorized, in such Manner as may be required by their respective Acts of Incorporation or for regulating such Canals or Navigations, from Time to Time to alter or vary the Tolls, Rates, and Duties granted to them, or by them respectively authorized to be levied and received for the Use of their several Canals or Navigations, or any Branches therefrom, or any Railways or Tramways connected therewith, and made under the Authority of such Canal or Navigation Acts respectively, either upon the whole or upon or for any particular Portion or Portions of such Canals, Navigations, Branches, Railways, or Tramways, according to local Circumstances, or the Quantity of Traffic or otherwise, as they shall think fit, and also from Time to Time to lower or reduce, and again to raise or advance, such Tolls, Rates, and Duties, and also any Tolls or Charges by them respectively authorized to be levied and received for any Haulage, Trackage, or other Power supplied by them, either upon the whole or upon any particular Portion or Portions of their said several Canals, Navigations, Branches, Railways, and Tramways, as to such Companies, Commissioners, Trustees, or Lessees, or their Committees, Directors, Managers, or Superintendents respectively, shall seem fit, any thing in the several Acts of Incorporation, or for regulating any such Canals or Navigations, contained to the contrary notwithstanding: Provided always, that in no Case shall the Tolls, Rates, Duties, and Charges to be at any Time levied or made by any such Companies, Commissioners, Trustees, or Lessees, for the Use of any such Canals, Navigations, Branches, Railways, or Tramways, or for the Supply of any such Haulage, Trackage, or other Power, exceed the Amount which they are by their said several Acts respectively authorized to levy or receive.

Canal Companies authorized to vary their Tolls or Rates on different Portions of their Canals;

and also, from Time to Time, to reduce and again advance their Tolls or Rates.

II. Provided

Tolls to be charged equally to all Persons under the like Circumstances.

II. Provided always, and be it enacted, That all Tolls, Rates, and Duties for the Use of any such Canals, Navigations, Branches, Railways, or Tramways shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile, or *per* Ton *per* Mile, or otherwise, in respect of all Boats, Barges, and other Vessels of a like Description passing along or using the same Portion of the said Canal, Navigation, Branches, Railways, or Tramways respectively, and upon all Goods, Animals, Articles, and Things of a like Description, and conveyed or propelled in a like Boat, Barge, or other Vessel passing along or using the same Portion of the said Canal, Navigation, Branches, Railways, or Tramways, under the like Circumstances; and that all Tolls and Charges for Haulage or Trackage or other Power, to be supplied by any such Company, Commissioners, Trustees, or Lessees, shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile, or *per* Ton *per* Mile, or otherwise, in respect of all Goods, Animals, Articles, and Things of a like Description, and conveyed in a like Boat or Vessel, drawn or propelled by a like Power, and passing along or using the same Portion of any such Canal, Navigation, Branches, Railways, or Tramways, under the like Circumstances; and no Reduction or Advance in any Tolls or Charges for the Use of any such Canal, Navigation, Branches, Railways, or Tramways, or for the Supply of any Haulage, Trackage, or other Power by the said Companies, Commissioners, Trustees, or Lessees, shall be made, either directly or indirectly, in favour of or against any particular Company or Person passing along or using the same Portion of such Canal, Navigation, Branches, Railways, or Tramways.

Act not to apply to existing Companies until a Meeting of Shareholders have determined thereupon, nor in other Cases until approved by Trustees or Proprietors, and Notices thereof duly published.

III. Provided always, and be it enacted, That this Act shall not apply to any Canal or Navigation the Property wherein is vested in Shareholders until a Meeting of the Shareholders thereof shall have been duly convened, in such Manner as Meetings are by their respective Acts of Incorporation or Settlement required to be called, or are usually called, and it shall have been determined, by a Majority of Two Thirds of the Votes of the Shareholders in such Meeting assembled, either in Person or by Proxy (where by such Acts of Incorporation or Settlement voting by Proxy is allowed), to adopt the Powers hereby granted, and where such Navigations are vested in Commissioners or Trustees, without any Body of Shareholders or Proprietors, until a Special Meeting of such Commissioners or Trustees shall have been duly convened in such Manner as Special Meetings are by the respective Acts for regulating such Navigations required to be called, or are usually called, and it shall have been determined by a Majority of such Commissioners or Trustees in such Meeting assembled to adopt the Powers by this Act granted, or to any Canal or Navigation the Property wherein is vested in One or more Owner or Owners, Proprietor or Proprietors, unless the Owner or Owners, Proprietor or Proprietors thereof shall determine to adopt the

the Powers and Provisions hereby granted, nor in either Case until public Notice of such Determination and Intention shall have been inserted in the *London Gazette* in respect of Canals or Navigations in *England* or *Wales*, in the *Edinburgh Gazette* in respect of Canals or Navigations in *Scotland*, and in the *Dublin Gazette* in respect of Canals or Navigations in *Ireland*, and in some Newspaper circulating in the County or Counties wherein such Canal or Navigation, or some Part thereof, shall pass, One Month at the least previously to the Exercise of such Powers, whereupon, or immediately after the Expiration of such Notice, every such Company, and all such Commissioners, Trustees, or Lessees, Owners and Proprietors, or their respective Committees, Directors, or Managers, or their Agents by them duly authorized in manner aforesaid, may from Time to Time put in force and exercise the said Powers or any of them in the Manner by this Act authorized.

Saving Rights specifically reserved to Canal Companies and others by existing Acts of Parliament.

IV. Provided always, and be it enacted, That nothing in this Act contained shall be deemed or construed to deprive any Canal or Navigation Company, or the Commissioners, Trustees, Undertakers, or Proprietors of any Canal, River, or Navigation, or the Owners, Lessees, or Occupiers of any Lands, Collieries, Quarries, or other Hereditaments adjoining or near to any of such Canals or Navigations, or the Overseers or Surveyors of the Roads of any Parish, Township, or Hamlet through which any such Canal or Navigation may pass, of any Powers, Rights, Privileges, Exemptions, or Advantages specifically and expressly secured to them by any existing Act of Parliament: Provided also, that where by any Canal or Navigation Act or Acts now passed the Tolls, Rates, or Duties (whether Tolls *per* Mile or Tolls in gross) upon any Description of Goods, Animals, Articles, or Things, or upon any Boats, Barges, or other Vessels which shall be navigated, carried, or conveyed along any Canal or Navigation, or any Portion thereof, and which shall pass into, out of, or along any such Canal or Navigation, or any Portion thereof, from, into, or along any other Canal or Navigation, Canals or Navigations, adjoining or communicating therewith, or any Portion thereof, or from or to the Junction or Junctions with any such adjoining or communicating Canal or Navigation, Canals or Navigations, are or shall be specially fixed, determined, or limited, either absolutely, or with reference to the Tolls, Rates, or Duties to be levied or received from Time to Time on Goods, Animals, Articles, or Things, Boats, Barges, or other Vessels passing into, out of, or along such Canal or Navigation, or any Portion or Portions thereof respectively, from, into, or along any other adjoining or communicating Canal or Navigation, Canals or Navigations, or from or to the Junction or Junctions with such other adjoining or communicating Canal or Navigation, Canals or Navigations; or where in any such Act or Acts any special Enactment or Provision shall have been inserted for securing a rateable Reduction or Advance of the respec-

tive Tolls, Rates, or Duties to be levied or received from Time to Time on Goods, Animals, Articles, or Things, Boats, Barges, or other Vessels, or on Goods, Animals, Articles, or Things of the same Description, passing over, along, into, or from any Canal or Navigation, or several and distinct Portions of any Canal or Navigation, into or along Two or more adjoining or communicating Canals or Navigations, or from or to the respective Junctions of Two or more adjoining or communicating Canals or Navigations, no Alteration or Variation of the Tolls, Rates, and Duties so specially fixed, determined, or limited, or any or either of them, other than such Alterations or Variations as are respectively authorized to be made under the several Acts for regulating such Canals or Navigations, shall be made under the Authority of this Act without the previous Consent in Writing of the Proprietors, Trustees, Undertakers, or Commissioners of the Canal or Navigation, or of all the several Canals or Navigations, who are expressly mentioned in such special Enactments or Provisions, or of the Committee, Directors, or Managers of the Company, Trustees, Undertakers, or Commissioners, or respective Companies, Trustees, Undertakers, or Commissioners of such Canal or Navigation, Canals or Navigations, which Consents such Companies, Trustees, Undertakers, and Commissioners, or their respective Committees, Directors, or Managers, are hereby authorized to give, either under their Common Seals respectively, or under the Hand of their respective Clerks or Secretaries, although any such Companies, Trustees, or Undertakers so consenting may not have adopted the other Powers of this Act.

Canal Companies subject to a Limitation of Profits not to raise their Dues so as to exceed the Maximum of Profits.

V. Provided also, and be it enacted, That where in any Canal or Navigation Act there shall have been inserted any special Provision, which shall be still in force and unrepealed, whereby the Amount of the annual Dividends, Interest, or Profits to be shared or divided amongst the Proprietors or Shareholders of such Canal or Navigation shall have been limited not to exceed a certain Per-centage or Amount, and the Maximum of such Per-centage or Amount shall have been attained at the Time of the passing of this Act, it shall not be lawful for the Company of Proprietors, Trustees, or Undertakers of any such Canal or Navigation to avail themselves of any of the Powers of this Act for the Purpose of raising or increasing the Tonnage Rates, Tolls, or Duties which on the First Day of *January* immediately before the passing of this Act were charged or levied upon any Boats, Barges, or other Vessels carried upon or passing along such Canal or Navigation, or any Part thereof.

Nothing herein to exempt any Canal, &c. from any general Act.

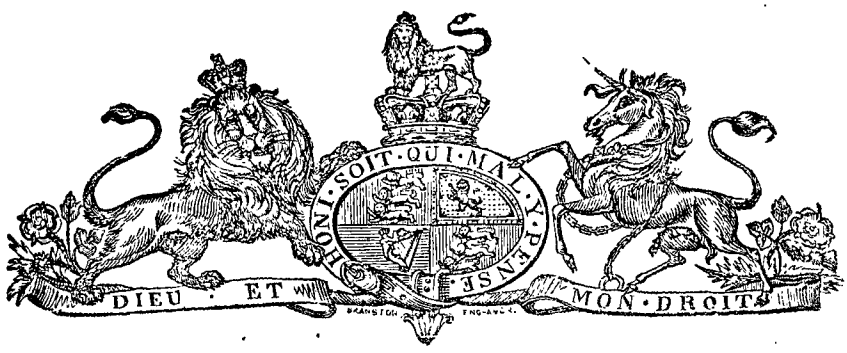
VI. And be it enacted, That nothing herein contained shall be construed to exempt any Canal or Navigation Company who shall adopt the Powers of this Act from the Operation of any general Act regulating

regulating the Manner of charging Tolls and other Charges upon Canals and Navigations in respect of Passengers, Goods, Animals, Articles, and Things of a like Description, which may be passed in the course of any future Session of Parliament.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XXIX.

An Act to regulate the Labour of Children, young Persons, and Women, in Print Works.

[30th *June* 1845.]

WHEREAS it is expedient to regulate the Labour of Children, young Persons, and Women, in Print Works: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall take effect from and after the First Day of *January* in the Year One thousand eight hundred and forty-six, except any Provisions for the taking effect of which any other Time shall be herein-after specially limited; all which last-mentioned Provisions shall take effect from and after such Time as shall be herein-after specially mentioned in that Behalf. Commencement of Act.

II. And be it enacted, That in this Act, unless another Sense shall be plainly shown by the Context, or by some positive Enactment to the contrary, the Words "Print Work" shall be taken to mean any Building or Shed, and any Part thereof, within which any Persons are employed to print Figures, Patterns, or Designs, by means of Blocks or Cylinders, or by means of any other Tool, Instrument, or Mechanism, upon any woven Fabric of Cotton, Wool, Hair, Fur, Silk, Interpretation Clause: "Print Work:"

Flax, Hemp, or Jute, either separately or mixed together, or mixed with any other Material; or upon any felted Fabric of Wool or Fur, either separately or mixed with any other Material; or upon any Cotton, Linen, Woollen, Worsted, or Silken Yarn; and the Words "incidental printing Process" shall be taken to mean any Process of preparing, dyeing, bleaching, cleaning, calendering, dressing, or finishing incident or necessary to the Completion of the chief Process of printing Figures, Patterns, or Designs upon any of the aforesaid Materials, and carried on within Buildings, Sheds, Fields, or Portions of Ground lying adjacent to each other, or forming a Part or Parts of the Establishment where the chief Process of printing as aforesaid is carried on; and the Word "Child" shall be taken to mean a Child under the Age of Thirteen Years; and the Words "young Person" shall be taken to mean a Person of the Age of Thirteen Years and under the Age of Sixteen Years; and the Word "Parent" shall be taken to mean Parent, Guardian, or Person having the legal Custody of any such Child; and any Word denoting the "Masculine Gender" and "Singular Number" shall be taken to include a Female as well as a Male, and any Number of Persons; and any Person who shall work in any Print Work, whether for Wages or not, or as a Learner or otherwise, either in printing or in any incidental printing Process, or in cleaning any Part of the Print Work, or in cleaning any Block, Cylinder, Tool, or Machine used therein, or in any other Kind of Work whatsoever, save in the Cases herein-after excepted, shall be deemed to be employed therein within the Meaning of this Act; and the Word "Inspector" and "Sub-Inspector" shall be taken to mean respectively an Inspector and Sub-Inspector of Print Works; and the Word "Agent" shall be taken to mean any Person having on behalf of the Occupier of any Print Work the Care or Direction thereof or of any Part thereof, or of any Person employed therein; and the Word "Month" shall be taken to mean a Calendar Month; and the Word "Day" shall be taken to mean from Six of the Clock, in the Morning until Ten of the Clock in the Evening of the same Day; and the Word "Night" shall be taken to mean from Ten of the Clock in the Evening of any one Day until Six of the Clock of the next following Morning; and any Part of such Print Work may be taken to be a Print Work within the Meaning of this Act; but this Enactment shall not extend to any Part of such Buildings used solely for the Purposes of a Dwelling House; and nothing in this Act contained shall extend to any Person, being a Mechanic, Artisan, or Labourer, working only in making or repairing the Machinery or any Part of the Print Work.

"Incidental printing Process:"

"Child:"

"Young Person:"

"Parent:"

"Masculine Gender," and "Singular Number:"

"Employment:"

"Inspector" and "Sub-Inspector:"

"Agent:"

"Month:"

"Day:"

"Night:"

Exception to the Term "Print Work."

Exception in favour of Mechanics.

III. And be it enacted, That the Inspectors and Sub-Inspectors of Factories appointed or to be appointed by virtue of an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom*, and of another Act passed in the Seventh Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to Labour in Factories*, shall respectively be Inspectors and Sub-Inspectors for carrying into effect the Powers, Authorities, and Provisions of this Act.

Inspectors and Sub-Inspectors.

3 & 4 W. 4. c. 103.

7 & 8 Vict. c. 15.

IV. And

Power of Inspectors and Sub-Inspectors.

IV. And be it enacted, That every Inspector and Sub-Inspector shall have Power to enter every Part of any Print Work at any Time, by Day or by Night, when any Person shall be employed therein, and to enter by Day any Place which he shall have Reason to believe to be a Print Work, and to enter any School in which Children employed in Print Works are educated, and at all Times to take with him into any Print Work the certifying Surgeons of the District herein-after mentioned, and any Constable or other Peace Officer whom he may need to assist him, and shall have Power to examine, either alone or in the Presence of any other Person, as he shall think fit, every Person whom he shall find in a Print Work or in such a School, or whom he shall have Reason to believe to be or to have been employed in a Print Work within Twelve Months next preceding the Time when he shall require him to be examined touching any Matter within the Provisions of this Act; and the Inspector or Sub-Inspector may, if he shall see fit, require such Person to make and sign a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined; and every Inspector and Sub-Inspector shall have Power to examine the Registers, Certificates, Notices, and other Documents kept in pursuance of this Act; and every Person who shall refuse to be examined as aforesaid, or who shall refuse to sign his Name or affix his Mark to a Declaration of the Truth of the Matters respecting which he shall have been examined, or who shall in any Manner attempt to conceal or otherwise prevent any Child or other Person from appearing before or being examined by an Inspector or Sub-Inspector, or who shall prevent or knowingly delay the Admission of an Inspector or Sub-Inspector to any Part of a Print Work or School, or shall prevent an Inspector or Sub-Inspector from examining any Register, Certificate, Notice, or other Document kept in pursuance of this Act, shall be deemed guilty of wilfully obstructing the Inspector or Sub-Inspector in the Execution of the Powers intrusted to him.

Inspectors to report.

V. And be it enacted, That every Inspector shall keep full Minutes of all his Visits and Proceedings, and shall report the same to One of Her Majesty's Principal Secretaries of State Twice in every Year, and oftener if required, and shall report the State and Condition of the Print Works, and of the Persons employed therein whose Labour is regulated by this Act, and whether such Print Works are conducted according to the Provisions of this Act.

Owners of Print Works to send Particulars connected therewith to Inspectors of Factories.

VI. And be it enacted, That every Person carrying on Business at any Print Work shall, within One Month next after the passing of this Act, or within One Month after beginning to carry on such Business, send a written Notice, addressed to the Office of the Factory Inspectors, *London*, containing the Name of such Print Work, together with the Place, Township, or Parish, and County, where the same is situated, the Post Town to which he desires his Letters to be addressed, the Nature of the Work, and the Name of the Firm under which such Business is or is to be carried on.

Appointment of certifying Surgeons.

VII. And be it enacted, That the certifying Surgeons appointed or to be appointed by virtue of the said Act of the Seventh Year of the Reign

Reign of Her Majesty shall be certifying Surgeons for carrying into effect the Powers, Authorities, and Provisions of this Act.

Form of Surgical Certificate.

VIII. And be it enacted, That the Certificates of Age required by this Act, herein called Surgical Certificates, shall be given according to the Form and Directions contained in the Schedule (A.) annexed to this Act; and the Name of every Person for whom a Surgical Certificate is required by this Act, and the Date of the First Day of Employment or Re-employment of such Person, shall be registered in the Form and according to the Directions given in the Schedule (B.) annexed to this Act, before it shall be lawful to employ such Person in a Print Work.

Certificates not given by certifying Surgeon must be by Persons duly authorized, and countersigned by a Magistrate.

IX. And be it enacted, That no such Surgical Certificate given by any Person who is not an appointed certifying Surgeon shall be of any Force unless it is given by a Person duly authorized by an University or College, or other public Body having Authority in that Behalf to practise Surgery or Medicine, and countersigned, according to the Form and Directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace, not being the Occupier of a Print Work, and not being the Father, Son, or Brother of the Occupier of a Print Work; and no Person shall countersign any such Surgical Certificate in the Absence of the Person named therein, or without Proof that the Person brought before him is the same to whom the Certificate was granted.

Surgical Certificates to be given at the Print Work.

X. And be it enacted, That no Person shall grant any Surgical Certificate required by this Act, except upon personal Inspection of the Person named therein; and no certifying Surgeon shall examine any Person for the Purposes of this Act, or sign or issue any such Surgical Certificate, elsewhere than at the Print Work where such Person is to be employed, unless for special Cause, to be allowed by an Inspector; and if a certifying Surgeon shall refuse to grant a Certificate of Age to any Person presented to him for such Examination, he shall give, when required, instead of such Certificate, a Paper specifying under his Hand the Reasons for such Refusal, in the Form and Directions given in the Schedule (A.) to this Act annexed.

Agreement between Occupier of a Print Work and certifying Surgeon.

XI. And be it enacted, That if the Occupier of a Print Work shall agree in Writing with the certifying Surgeon of a District for the Payment to be made by the Occupier of the Print Work to the certifying Surgeon for the Examination of Persons for whom Surgical Certificates are required by this Act, and if the Terms of such Agreement shall be in conformity with such Regulations for the Guidance of the Surgeons as shall be made by the Inspector of the District, and shall be countersigned by the Inspector in token of such Conformity, all Penalties which may be incurred by any Party for Breach of such Agreement may be recovered as other Penalties under this Act may be recovered, and shall be applied as other Penalties under this Act are directed to be applied, and no such Agreement shall be liable to any Stamp Duty.

XII. And

Inspector may fix Surgeon's Fees.

XII. And be it enacted, That an Inspector shall fix the Amount of Fees to be paid by the Occupier of a Print Work, and the Times when such Fee shall be paid to the certifying Surgeon, and also the Times when such certifying Surgeon shall visit a Print Work, provided he shall be required to fix such Fees and Visits by the Occupier of a Print Work; and the Fees so to be fixed by the Inspector shall not in any Case where the Surgeon shall examine more than One Person exceed One Shilling for each Person who shall be presented to him at the Print Work by the Occupier thereof or his Agent to be examined, together with Sixpence for every Half Mile that the Distance of the Print Work from the Residence of such Surgeon shall exceed One Mile, and such Fees, including Mileage, shall not be less than One Shilling, and shall in no Case exceed Five Shillings, for any One Visit, except when upon such Visit the certifying Surgeon shall examine for the said Certificates of Age more than Ten Persons who may be brought before him as aforesaid, in which Case he shall receive Sixpence for each Person that he may so examine, instead of all other Fees; and in any Case where a Print Work is situated within the Distance of One Mile from the Residence of a certifying Surgeon the Fee for such Print Work shall not exceed Two Shillings and Sixpence for each Visit, except when at any One Visit he shall examine for the said Certificates of Age more than Five Persons who may be brought before him as aforesaid, in which Case he shall receive Sixpence for each Person that he may so examine, instead of all other Fees; and no certifying Surgeon shall receive more than Sixpence for any Certificate which he may be allowed by an Inspector, as herein-before provided, to sign or issue otherwise than at the Print Works where the Person is to be employed; and the Occupier of any Print Work shall pay such Fees to the certifying Surgeon at the Time of signing such Certificates, or at any other Time when he may be directed by the Inspector to do so; and the Occupier of such Print Work may deduct the Fee, or any Part thereof, not exceeding in any One Case the Sum of Three-pence, from the Wages of the Person for whom the Certificate may have been granted; but in any Case where such Agreement as aforesaid has been executed between an Occupier of a Print Work and the certifying Surgeon, the Amount named in such Agreement shall be instead of the Fees fixed by any Inspector in virtue of this Act: Provided always, that no certifying Surgeon shall be required to visit any Print Work situated within Three Miles of his Residence oftener than once in each Week, or to visit any Print Work situated at a greater Distance than Three Miles oftener than once in every Fortnight, unless with the Consent of the Occupier of the Print Work.

Inspectors and Sub-Inspectors may annul Certificates.

XIII. And be it enacted, That every Inspector and Sub-Inspector may annul any Surgical Certificate granted under this Act by Writing across the Surgical Certificate the Word "Annulled," with his Name, and the Date of annulling such Certificate; provided that in either Case he shall have Reason to believe the real Age of the Person mentioned therein to be less than that mentioned in the Certificate, or provided the certifying Surgeon of the District shall, upon Reference made to him, deem such Person to be then of

deficient Health or Strength, or by Disease or bodily Infirmity incapacitated for Labour, or liable to be injured by continued Employment; and no Certificate so annulled shall be valid in respect of the Person named therein for the Purposes of this Act from the Day when the Certificate shall have been so annulled; and the Production of the Certificate shall be Evidence that the Certificate was annulled on the Day so stated.

Certificates of real Age may be obtained.

XIV. And be it enacted, That in case any Person shall be desirous of proving the real Age of any Person for whom a certifying Surgeon shall have refused to grant a Certificate of Age for the Purposes of this Act, or whose Surgical Certificate any Inspector or Sub-Inspector shall have annulled, the Inspector or Sub-Inspector shall, on demand, give to such Person a Requisition under his Hand in a Form to be approved of by the Inspectors and by the Registrar General, for the Production of a duly certified Copy of the Entry of the Birth or Baptism of such Person, provided the Party demanding the same shall declare the Names of such Person and of his Parents, with the Place where and the Year in which he was born or baptized, which Particulars shall be set forth in the Requisition; and every Party to whom such Requisition shall have been given shall be entitled, upon Payment of One Shilling, to receive, on personal Application, or on Application in Writing in such Form and under such Regulations as shall be approved of by the Inspectors and Registrar General, from any Minister, Registrar, or other Person having the Care of any Register of Births or Baptisms in which the Birth or Baptism of such Person is entered, a duly certified Copy of the Entry in such Register, which shall be indorsed on the aforesaid Requisition, and shall be signed by the Minister, Registrar, or other Person having Charge of such Register; and such Payment of One Shilling shall be instead of all other Fees or Payments to which such Minister, Registrar, or other Person shall be entitled; and if the said certified Copy proving the Age of the Person named therein to be such as to entitle him to have the Surgical Certificate required shall be produced to the certifying Surgeon of the District, he shall examine the same, and if it shall appear to him that the said certified Copy has not been altered or falsified in any Manner, the certifying Surgeon shall thereupon, without further Fee or Reward, give a Surgical Certificate in the Form provided for that Case in Schedule (A.) to this Act annexed, and shall write the Word "Examined" upon the certified Copy of the Entry of the Birth or Baptism which he shall have received, with his Signature, and the Date of such Signature, and shall send such certified Copy by the Post to the Sub-Inspector of the District, who shall send a Receipt for the same by Post to the said Surgeon, and shall keep such certified Copy of the Entry of the Birth or Baptism for future Reference, if necessary; and if any Inspector shall require a certified Copy of the Entry of the Birth of any Person employed in any Print Work from the Office of the Registrar General, he, or any Person deputed by him, shall, on producing a Requisition in the Form herein-before provided, be entitled to examine the Indexes to the Registers in the General Register Office, and to receive such certified Copy indorsed on the Requisition without the Payment of any Fee; but no certified Copy

of the Entry of any Birth or Baptism issued in consequence of any such Requisition herein-before provided shall be admissible in Evidence in any Court or for any Purpose, save for the Purposes of this Act: Provided always, that in those Cases in which a Surgical Certificate shall have been refused or annulled in consequence of deficient Health or Strength, or by reason of Disease or bodily Infirmity, the Inspector or Sub-Inspector shall not sign the Requisition herein-before mentioned, and such Person shall not be employed on Proof of real Age only.

Certificates to be obtained before the Person is employed, and to serve only for One Print Work.

XV. And be it enacted, That before employing any Person requiring a Surgical Certificate under this Act the Occupier of the Print Work shall obtain the Surgical Certificate, save as herein-after excepted, and shall keep and be bound to produce every such Certificate when required to the Inspector or Sub-Inspector; and no Surgical Certificate shall be valid, except for Employment at the Print Work for which it was originally granted, or, if granted by a certifying Surgeon, at any other Print Work in the Occupation of the same Person who is Occupier of the Print Work for which the Certificate was originally granted, provided such other Print Work be in the District of the certifying Surgeon who granted the Certificate, and the Certificate be produced in the Print Work where the Person named in the Certificate is at work; and the certifying Surgeon, as often as he shall visit a Print Work for the Purpose of granting Certificates, shall enter in the Register of Children the Date of his Visit, and the other Particulars set forth in the Form and according to the Directions given in Schedule (B.) to this Act annexed.

Surgical Certificates may be dispensed with for Seven or Thirteen Days.

XVI. Provided always, and be it enacted, That no Occupier of any Print Work shall be liable to any Penalty for employing any Person in any Manner not contrary to the other Provisions of this Act, without a Surgical Certificate, for any Time not exceeding Seven working Days, or, when the certifying Surgeon shall reside more than Three Miles from the Print Work, for any Time not exceeding Thirteen working Days, provided all Surgical Certificates for that Print Work be granted only by the certifying Surgeon appointed for that Print Work; but this Enactment shall not be construed to authorize the Employment of any Person in respect of whom the certifying Surgeon shall have refused to grant such Surgical Certificate.

Surgical Certificate to be Proof of Age.

XVII. And be it enacted, That every Surgical Certificate given under this Act, and which shall not have been annulled, shall be Evidence in the first instance of the Age of the Person named therein, but shall not protect any Person, knowing such Person to be of less than the Age certified, from any Penalty for employing or conniving at the Employment of such Person otherwise than is allowed by this Act; and in every Proceeding on any Information or Complaint for employing any Person contrary to this Act a Declaration in Writing, by the certifying Surgeon of the District, that he has personally examined such Person, and believes him to be under such Age as shall be set forth in such Declaration, shall be Evidence in the first instance, until the contrary shall be made to appear, that such Person is under the Age mentioned in such Declaration.

XVIII. And

Proof of Age of Persons alleged to be Sixteen.

XVIII. And be it enacted, That if any Inspector or Sub-Inspector shall make a Complaint before a Justice of the Peace that the real Age of any Person who is employed in a Print Work without a Surgical Certificate is less than Sixteen, the Occupier of the Print Work in which such Person is employed shall be liable to the Penalties for employing Persons for whom a Surgeon's Certificate is required by Law without the proper Surgical Certificate, unless upon the Proceeding for the Enforcement of such Penalties he shall prove, by an Extract from a legal Register of Birth or Baptism, that the said Person had completed his Sixteenth Year of Age.

Children under Eight Years not to be employed

XIX. And be it enacted, That after the First Day of *January* One thousand eight hundred and forty-six no Child under the Age of Eight Years shall be employed in any Print Work.

Surgical Certificates for Children.

XX. And be it enacted, That no Child shall be employed in a Print Work (save in the Cases hereafter excepted) until the Occupier thereof shall have obtained a Surgeon's Certificate, according to the Form and Directions given in the Schedule (A.) to this Act annexed, in proof that such Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and is not incapacitated by Disease or bodily Infirmity from working daily in a Print Work, as allowed by this Act.

Surgical Certificates for young Persons.

XXI. And be it enacted, That no young Person shall be employed in a Print Work (save in the Cases hereafter excepted) until the Occupier thereof shall have obtained a Surgical Certificate according to the Form and Directions given in the Schedule (A.) to this Act annexed, in proof that such young Person has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and is not incapacitated by Disease or bodily Infirmity from working in a Print Work, as allowed by this Act.

Children and Females not to be employed in the Night.

XXII. And be it enacted, That after the First Day of *January* One thousand eight hundred and forty-six no Child or Female shall be employed in any Print Work during the Night.

Children to attend School.

XXIII. And be it enacted, That after the First Day of *July* One thousand eight hundred and forty-six, the Parent or Person having any direct Benefit from the Wages of any Child employed or intended to be employed in a Print Work shall cause such Child to attend some School for at least Thirty Days, together or separately, exclusive of *Sundays*, during the Half Year between the First Day of *January* and the Thirtieth Day of *June*, both Days inclusive, and in like Manner for Thirty Days during the Half Year between the First Day of *July* and the Thirty-first Day of *December*, both Days inclusive, in each Year, during any Part of which it shall be employed in a Print Work, such Attendance being after the Hour of Eight of the Clock in the Morning and before the Hour of Six of the Clock in the Evening, and such Attendance shall not be less than One hundred and fifty Hours during each Half Year; but no Attendance above Five Hours on any one Day shall be reckoned as a Part of the said One hundred and fifty Hours.

XXIV. And

Registry of School Attendance.

XXIV. And be it enacted, That so soon as a Child shall be employed in a Print Work the Parent or Person having direct Benefit from the Wages of such Child shall notify to the Occupier of the Print Work the School which such Child is to attend during the Time it is employed in such Print Work, and the Occupiers of the Print Work shall enter in the Register of Children herein-after required to be kept the Name of the Schoolmaster and the Situation of the School so notified to him; and the Parent or Person having direct Benefit from the Wages of such Child shall provide a School Certificate Book, according to the Form and Directions given in the Schedule (A.) annexed to this Act, and shall deliver the same to the Master of the School which such Child is to attend, and the said Master shall enter therein, Week by Week, the Attendance or Absence of such Child during that Week, and shall produce such Certificate Book, while in his Custody, to the Inspector or Sub-Inspector of the District, when required; and the Master of any School which shall be attended by Children employed in a Print Work shall keep a Register of their Names and Attendance, and if the Inspector of the District shall disapprove of the Form of Register adopted by the Schoolmaster, it shall be kept in such other Form as the Inspector shall direct.

Occupiers of Print Works to obtain Certificates of Children's School Attendance.

XXV. And be it enacted, That after the First Day of *July* One thousand eight hundred and forty-six the Occupier of every Print Work shall, before employing any Child therein, obtain from a Schoolmaster a Certificate, according to the Form and Directions given in the Schedule (A.) to this Act annexed, that such Child had attended School for at least Fifty Days, as required by this Act, during the Half Year ending on the Thirtieth Day of *June* or Thirty-first Day of *December* next before the Beginning of such Employment, and the like Certificate at the Beginning of each following Period of Six Months during which the Employment of such Child shall be continued in that Print Work; and such Occupier shall keep every such Certificate so long as such Child shall continue in his Employment for Twelve Months after the Date thereof, and shall produce the same to any Inspector or Sub-Inspector, when required, during such Period.

Inspector may by Notice annul the Certificate of any Schoolmaster found unfit.

XXVI. And be it enacted, That if an Inspector, on his personal Examination, or on the Report of a Sub-Inspector, shall be of opinion that any Schoolmaster who grants Certificates of the School Attendance of Children employed in a Print Work is unfit to instruct Children, by reason of his Incapacity to teach them to read and write, from his gross Ignorance, or from his not having the Books and Materials necessary to teach them Reading and Writing, or because of his immoral Conduct, or of his continued Neglect to keep the Registers, and fill up and sign the Certificates of School Attendance, as required by this Act, the Inspector of the District may annul any Certificate granted by such disqualified Schoolmaster, by a Notice in Writing addressed to the Occupier of the Print Work in which the Children named in the Certificate are employed, or his principal Agent, setting forth the Grounds on which he deems such Schoolmaster to be unfit; and after the Date of such Notice no Certificate

of School Attendance granted by such Schoolmaster shall be valid for the Purposes of this Act, unless with the Consent in Writing of the Inspector of the District; but no Inspector shall annul any such Certificate unless in the aforesaid Notice he shall name some other School situated within Two Miles of the Print Work where the Children named in the Certificate are employed: Provided always, that any Schoolmaster whose Certificate shall have been annulled, or the Occupier of the Print Work in which the Children named in the said Certificate are employed, on behalf of the Schoolmaster, may appeal to the Secretary of State against any such Decision of the Inspector, and the Secretary of State may, if he think fit, rescind such Decision: Provided also, that every Inspector shall in his annual Report to the Secretary of State state the Instances (if any) in which he shall have had Occasion to annul any such Certificate, together with the Reasons which he has in each Case assigned for so doing.

Appeal.

Registers to be kept in every Print Work.

XXVII. And be it enacted, That Registers shall be kept in the Print Work to which they relate by the Occupier of every Print Work, according to the Forms and Directions given in Schedule (B.) to this Act annexed; and every Inspector shall have Power to require such Occupier to send to him, in such Manner as may be directed in the Requisition, any Extracts from such Registers, and any other Information with relation to the Persons employed in the Print Work which may be requisite to facilitate the Performance of the Duties of such Inspector in any Inquiry made under the Authority of this Act; but no Information so sent by the Occupier of any Print Work which is not contained in the Registers, Certificates, and other Documents required by this Act to be received or kept shall be admissible in Evidence in any Proceeding against him for the Recovery of any Penalty; and the Registers, Certificates, and other Documents required by this Act to be received or kept shall be forthwith produced to the Inspector or Sub-Inspector, on his demanding to examine the same, at any Time when the Print Work is at work.

For ensuring Regularity in the Observance of Time.

XXVIII. And be it enacted, That the Hours of the Day during which it is lawful to employ Children, young Persons, and Women shall be regulated in every Print Work by a public Clock, or by some other Clock open to the public View, to be approved of in either Case in Writing under the Hand of the Inspector or Sub-Inspector of the District.

An Abstract of this Act, and certain Notices, to be hung in every Print Work.

XXIX. And be it enacted, That such Abstract of this Act as shall be directed by one of Her Majesty's Principal Secretaries of State shall be fixed on a moveable Board, and be hung up as soon as received by the Occupier of the Print Work or his Agent in the Entrance of the Print Work, and in such other Places as the Inspector or Sub-Inspector of the District may direct; and Notices of the Names and Addresses of the Inspector and Sub-Inspector of the District in which the Print Work is situated, of the Clock by which the Hours of Work in the Print Work are regulated, and any Alteration thereof, together with every other Notice required by this Act, written or

printed in legible Characters, and fixed on moveable Boards, (each particular Notice being signed by the Occupier of every Print Work or his Agent,) shall be hung up at the Entrance of the Print Work, where they may be easily read by the Persons employed in the Print Work, and in such other Places as the Inspector or Sub-Inspector of the District may direct, and whence they shall not be removed while the Print Work is at work; and in case any such Abstract of this Act or Notice shall become illegible in any Part, the Occupier of the Print Work shall cause a new Copy thereof to be provided and hung up as aforesaid; and every Notice required to be hung up shall be in the Forms and according to the Directions given in the Schedule (C.) hereunto annexed.

Occupier of the Print Work to be liable for Offences against this Act in the first instance.

XXX. And be it enacted, That the Occupier of any Print Work in which any Offence against this Act has been proved to have been committed, and for which a pecuniary Penalty may be imposed, shall in every Case (save as herein-after provided) be deemed in the first instance to have committed the Offence, and shall be liable to pay the Penalty; but any Occupier who shall have been proceeded against by any Inspector or Sub-Inspector shall be entitled, upon Complaint or Information duly made by such Occupier, to have any Agent, Servant, or Workman whom he shall charge as the actual Offender brought by Summons before the Justices at the Time appointed for hearing the Complaint made against him by the Inspector or Sub-Inspector; and if after the Commission of the Offence has been proved the Occupier of the Print Work shall prove to the Satisfaction of the Justices, that he had used due Diligence to enforce the Execution of the Act, and that the said Agent, Servant, or Workman had committed the Offence in question without his Knowledge, Consent, or Connivance, the said Agent, Servant, or Workman shall be convicted of such Offence, and shall pay the Penalty instead of the Occupier of the Print Work; and the Payment of such Penalty and Costs shall be enforced against the Agent, Servant, or Workman in like Manner as Penalties are made recoverable by this Act: Provided always, that when it shall be made to appear to the Satisfaction of the Inspector or Sub-Inspector, at the Time of discovering the Offence, that the Occupier of the Print Work had used all due Diligence to enforce the Execution of this Act, and also by what Person such Offence had been committed, and also that it had been committed without the personal Consent, Connivance, or Knowledge of the Occupier, and in contravention of his Orders, then the Inspector or Sub-Inspector shall proceed against the Person whom he shall believe to be the actual Offender in the first instance, without first proceeding against the Occupier of the Print Work.

When Complaints to be preferred.

XXXI. And be it enacted, That all Complaints for Offences against this Act shall be preferred within Two Months next after the Commission of the Offence, except in the Case of Complaints for having employed a Child without the School Certificate required by this Act, in which Case the Complaints may be preferred within Six Months next after the Commission of the Offence, or in the Case of Complaints for Offences punishable at Discretion by Fine or Imprisonment, in which Case the Complaints may be preferred within Twelve Months

Months next after the Commission of the Offence; and no Person shall be liable to a larger Amount of Penalties for any Repetition from Day to Day of the same Kind of Offence than the highest Penalty herein-after named for such Offence, unless such Repetition of Offence shall have been committed after a Complaint shall have been made for the previous Offence, and except also for Offences of employing Two or more Children or young Persons or Women contrary to Law.

Proceedings under this Act may be had before any Justices.

XXXII. And be it enacted, That all Complaints for the Enforcement of any Penalty under this Act shall be heard and determined by Two or more Justices of the Peace acting for the County or other Jurisdiction wherein the Offence was committed, or for any adjoining County or Jurisdiction, with the like Authority as though the Cause of Complaint had arisen within such adjoining County or Jurisdiction, provided that the Place of hearing the Complaint in such other County or Jurisdiction be not more than Five Miles from the Place where the Offence was committed; and the Justices by whom any Person shall be fined for any Offence against this Act may order that such Person shall pay the Penalty, and also the reasonable Costs and Charges of such Proceedings and Conviction, either immediately or within such Time as the said Justices shall think fit; and in default of Payment thereof any Justice may cause the same to be levied by Distress and Sale of the Goods and Chattels of the Party convicted, together with the reasonable Costs and Charges of such Conviction, Distress, and Sale, by Warrant under the Hand and Seal of any such Justice; and where the Warrant of Distress is directed against the Goods and Chattels of any Person being the Occupier of a Print Work, it shall be lawful under such Warrant to distrain any Goods and Chattels found in the said Print Work which would be liable to be distrained for Rent in arrear.

Penalties may be recovered as in 5 G. 4. c. 18.

Power of distraining Goods in Print Work where Occupier is convicted.

Issue of Summons for Offences against this Act.

XXXIII. And be it enacted, That in *England* and *Ireland* a Summons for an Offence against this Act shall be issued by any Justice upon Complaint being made to him in Writing by an Inspector or Sub-Inspector, or upon Oath before him by any other Person, that to the best of the Knowledge and Belief of the Inspector, Sub-Inspector, or such other Person, such an Offence has been committed; and in *Scotland* a Summons for an Offence against this Act shall be issued by any Justice upon Complaint being made to him in Writing by an Inspector or Sub-Inspector, or by the Procurator Fiscal, or by any Person having a Title and Interest to prosecute with the Concurrence of the Procurator Fiscal, that to the best of the Knowledge and Belief of such Inspector, Sub-Inspector, Procurator Fiscal, or other Person, such an Offence has been committed; and in every such Prosecution in *Scotland* the Proceedings shall be summary, and it shall not be necessary to take down in Writing more than the Substance of the Evidence; and no higher or other Fees shall be allowed in *Scotland* to the Clerk of Court or Constables than are allowed to be paid to the Sheriff Clerk and Sheriff Officers in Causes and Prosecutions under the Authority of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for the more effectual Recovery of Small Debts*,

10 G. 4. c. 55.

Debts, and for diminishing the Expences of Litigation in Causes of small Amount in the Sheriff Courts in Scotland.

Compelling Parties to appear and bring Register.

XXXIV. And be it enacted, That every Person who shall be summoned to answer any Complaint shall be bound to appear at the Time and Place mentioned in the Summons, and to produce before the Justices then and there present every Register or other Account, Paper, or Notice required by Law to be kept by him or his Agent, which shall be mentioned in the Summons; and if he shall not appear accordingly then (upon Proof of due Service of the Summons) the Justices may hear and determine the Case in his Absence, or issue their Warrant, as herein-after provided, for enforcing his Attendance, and the Attendance of any Witness who shall refuse or neglect to appear.

Inspectors and Sub-Inspectors competent Witnesses.

XXXV. And be it declared and enacted, That it shall be no Objection to the Competency of any Inspector or Sub-Inspector to give Evidence as a Witness in any Prosecution under this Act that it is brought at the Instance of such Inspector or Sub-Inspector, or in *Scotland* the Procurator Fiscal or other Person as aforesaid.

Justices may enforce Attendance of Witnesses.

XXXVI. And be it enacted, That any Justice of the Peace, upon any Complaint under this Act, may summon any Witness to appear and give Evidence at a Time and Place appointed for hearing such Complaint, and by Warrant under his Hand and Seal may require any Person to be brought before the Justices by whom the Complaint shall be heard who shall neglect or refuse to appear at the Time and Place appointed in any Summons, Proof upon Oath being first given of personal Service of the Summons upon the Person against whom such Warrant shall be granted, and may commit any Person coming or brought before such Justices who shall refuse to give Evidence to the County Prison or Prison of the Place where such Offence was committed, there to remain for any Time not exceeding One Month, or until such Person shall sooner submit himself to be examined; and in case of such Submission the Order of any Justice shall be a sufficient Warrant to any Gaoler or Prison Keeper for the Discharge of such Person.

Inspectors and Sub-Inspectors may summon Offenders and Witnesses.

XXXVII. And be it enacted, That every Inspector and Sub-Inspector shall be empowered to summon any Person whom he shall charge with having offended against this Act, and also all Witnesses who may be needed to give Evidence concerning the Charge; and every such Summons shall be of the same Effect as if issued by a Justice of the Peace after Complaint upon Oath before him, and shall be enforced in like Manner, and the like Proceedings may be had thereupon, as if Complaint upon Oath had been made before such Justice for such Offence; and every Constable and other Peace Officer to whom any such Summons shall be directed shall be bound to take charge of and to serve such Summons, and in default thereof shall be liable to be punished as if the Summons had been issued by a Justice of the Peace; and every such Summons of an Offender or Witness may be in the Form provided in each Case, and given in the Schedule (D.) hereunto annexed; and when an Inspector or Sub-

Inspector shall summon an Offender he shall give to the same Constable or Peace Officer a Statement of the Offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the Division in which the Case is to be heard, or to the Clerk of any such Justice, at least Twenty-four Hours before the Period named in the Summons for the Appearance of the Party charged with such Offence.

What shall be deemed sufficient for Summons and Service thereof.

XXXVIII. And be it enacted, That it shall be sufficient, in any Information, Complaint, or other Proceeding under this Act, to set forth the Name of the ostensible Occupier or Title of the Firm by which the Occupier employing the Workpeople of the Print Work may be usually known; and the Service of any Summons, Order, or Notice required by this Act, or issued under the Authority of this Act, and not expressly directed to be personal Service, may be made by leaving the same at the Dwelling House of the Person to whom the same shall be addressed, or, in the Case of summoning or giving an Order or Notice to the Occupier of a Print Work or to a Schoolmaster, by giving a Copy thereof in Writing to the Agent of such Occupier, or by sending a Copy thereof by the Post, directed to the Occupier of the Print Work at the Print Work, or to the Schoolmaster at his School.

Penalty for illegally employing Children, young Persons, and Women.

XXXIX. And be it enacted, That any Person who shall be convicted of having employed any Child, young Person, or Woman in any Manner contrary to the Provisions of this Act, or of employing any Child under the Age of Thirteen Years without having obtained the Certificate from a Schoolmaster required by this Act, such Person (not being the Parent of such Child, or the Husband of such Woman, nor having any direct Benefit from the Wages of such Child or Woman,) shall for every such Offence be adjudged to pay a Penalty of not less than Twenty Shillings and not more than Three Pounds for each Child, young Person, or Woman so illegally employed: Provided always, that if the Offence shall be the Employment of any such Child, young Person, or Woman during the Night, the Penalty shall be not less than Forty Shillings nor more than Five Pounds for each Child, young Person, or Woman so illegally employed.

Penalty on Parents and others interested for conniving at illegal Employment.

XL. And be it enacted, That every Parent and other Person who shall have direct Benefit from the Wages of any Child employed in any Manner forbidden by this Act, who shall wilfully connive at such illegal Employment, or who shall neglect to cause such Child to attend School as herein-before provided, or who, when required by an Inspector or Sub-Inspector, shall fail to produce a Certificate of the School Attendance of such Child, as required by this Act, and the Husband of any Woman employed during the Night wilfully conniving at such Employment, shall be liable to a Penalty of not less than Five Shillings and not more than Twenty Shillings for each Offence.

Penalty for obstructing Inspectors in Execution of their Duty.

XLI. And be it enacted, That every Person convicted of wilfully obstructing an Inspector or Sub-Inspector in the Execution of any of the Powers intrusted to him by virtue of this Act shall be liable for

each Offence to a Penalty of not less than Three Pounds and not more than Ten Pounds.

Penalty for obstructing Inspectors at Night.

XLII. And be it enacted, That every Occupier of a Print Work in which an Inspector or Sub-Inspector shall be obstructed in the Night, by any Attempt to prevent his making a full and complete Examination of all Parts of the Print Works, and of every Person employed therein, shall be liable to a Penalty of not less than Twenty Pounds and not more than Fifty Pounds.

Penalty for giving or using untrue Certificates.

XLIII. And be it enacted, That every Person convicted of making, giving, signing, countersigning, counterfeiting, or making use of any Certificate authorized or required by or by virtue of this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at making any false or counterfeited Certificate, or any false Entry in any Register, or any other Account, Paper, or Notice required by or by virtue of this Act, and also every Person convicted of wilfully making and signing a false Declaration in any Proceedings under this Act, shall be liable to a Penalty of not less than Five Pounds and not more than Twenty Pounds, or to be imprisoned for any Time not exceeding Six Calendar Months in the House of Correction in the County, Town, or Place where the Offence was committed.

Penalty in Cases where no special Penalty is provided.

XLIV. And be it enacted, That the Penalty for any Offence against this Act for which no special Penalty is herein provided shall be any Sum not less than Two Pounds and not more than Five Pounds.

Offences against Directions in Schedules.

XLV. And be it declared and enacted, That the Non-compliance with any Direction contained in any Schedule to this Act annexed shall be deemed an Offence against the Provisions of this Act.

Penalty for Second Offence.

XLVI. And be it enacted, That every Person who shall be convicted Twice within Twelve Calendar Months for an Offence of the same Kind against this Act shall pay for the Second Offence any Sum not less than One Half of the highest Penalty for that Offence, and if convicted Three Times within Twelve Calendar Months for an Offence of the same Kind shall pay not less than Two Thirds of the highest Penalty, and if convicted more than Three Times within Twenty-four Calendar Months for an Offence of the same Kind shall pay the highest Penalty; but a Repetition of the same Kind of Offence shall not be considered as the Second or subsequent Offences referred to in this Enactment, unless such Second or subsequent Offence shall have been committed after a Complaint has been made for the previous Offences; and in any Case in which a Person shall be convicted at any One Time for Offences against this Act, so that the Penalties amount in the whole to more than One hundred Pounds, the Sum of One hundred Pounds, together with all the reasonable Costs and Charges of such Proceedings and Convictions, may be paid, instead of the Penalties for all Offences committed by such Person before the Day on which the last Summons was taken out against him or her.

XLVII. Pro-

In Cases of Repetition of Offences.

XLVII. Provided always, and be it enacted, That no Person shall be liable to a larger Amount of Penalties for any Repetition from Day to Day of the same Kind of Offence than the highest Penalty herein appointed for such Offence, unless such Repetition of Offence shall have been committed after a Complaint shall have been made for the previous Offence; but the Offence of employing Two or more Children or Women contrary to Law shall be considered a Repetition of the same Kind of Offence within the Meaning of this Provision.

Application of Penalties.

XLVIII. And be it enacted, That all Penalties for any Offence against this Act shall be applied under the Direction of One of Her Majesty's Principal Secretaries of State, and shall be paid, on account of the Inspector for the District in which the Penalty was imposed, to such Banker as shall be appointed by such Inspector to receive the same; and every Person to whom any such Penalty shall be paid shall pay over the Amount thereof to the Banker so appointed, within Fourteen Days of receiving the same; and it shall be lawful for the Secretary of State to remit the whole or any Part of such Penalty, and so much thereof as shall not be so remitted, and not otherwise especially appropriated by this Act, shall be applied by such Inspector, under the Direction of One of Her Majesty's Principal Secretaries of State, in such Manner as shall appear best for the Establishment or Support of Day Schools for the Education of Children employed in Print Works; and so much of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Corporations in* England *and* Wales, as provides that certain Penalties and Forfeitures, if recovered before any Justice of any Borough having a separate Court of Quarter Sessions of the Peace, shall be recovered for and adjudged to be paid to the Treasurer of such Borough, shall be repealed as to the Penalties imposed under this Act.

5 & 6 W. 4. c. 76.

How former Conviction may be proved.

XLIX. And be it enacted, That whenever any Person shall be convicted of any Offence against this Act, the Clerk of the Peace where such Conviction shall have been filed shall, upon the Request in Writing of any Inspector or Sub Inspector, deliver or cause to be delivered to him a Copy of the Conviction, certified under his Hand to be a true Copy; and every such Copy shall be received as Evidence of such Conviction upon any future Proceeding under this Act; and for every such Copy the Clerk shall be entitled to have a Fee of One Shilling, and no more.

Convictions to be filed amongst the Records of the County.

L. And be it enacted, That every Conviction under this Act may be in the Form given in the Schedule (D.) to this Act annexed, or in any other Form more suitable to the Case, and shall be certified in *England* and *Ireland* to the next General or Quarter Session of the Peace, and in *Scotland* to the Clerk of the Justices of the Peace, there to be filed amongst the Records of the County, Riding, Division, Stewartry, Town, or Place.

LI. And

No Appeal from Convictions, except in certain Cases.

LI. And be it enacted, That no Appeal shall be allowed against any Conviction under this Act, except for an Offence punishable, at Discretion, by Fine or Imprisonment, or when the Penalty awarded shall be more than Three Pounds; neither shall any Conviction, except as aforesaid, be removable by Certiorari or Bill of Advocation into any Court whatever; and no Information, Conviction, or other Proceeding on any Complaint for an Offence against this Act shall be quashed or deemed illegal for Matter of Form, or for the Want of any Averment unnecessary to be proved, or the Omission of any Word, or for the Insertion of any Word, in any Case in which such Omission or such Insertion respectively do not affect the Essence of the Offence, nor for the wrong Designation of a Name or Time or Place, where the Person, Time, and Place intended shall have been so stated as to have been, in the Opinion of the Justices by whom the Complaint shall have been heard, clearly understood by the Person charged with such Offence; and it shall not be necessary, in any Information, Conviction, or other Proceeding under this Act, to define the Processes carried on in such Print Work, or to set out that the Print Work or Process of Employment referred to is not within any of the Cases excepted, provided that it be therein stated that such Print Work is a Print Work within this Act; and the Proof of being within any such excepted Case shall lie upon the Party claiming the Benefit of such Exception.

Appeal.

LII. And be it enacted, That any Person aggrieved by any such Conviction for which an Appeal is allowed by this Act may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of the Conviction for the County or other Jurisdiction wherein the Cause of Complaint shall have arisen; provided that the Person so intending to appeal shall give to the Inspector or Sub-Inspector of the District Notice in Writing of such Appeal, and of the Cause or Matter thereof, within Three Days after the Conviction or Order, and Seven clear Days at the least before such Session, and shall also enter into a Recognizance with Two sufficient Sureties before a Justice of the Peace for the County or other Jurisdiction Seven clear Days at the least before such Session, conditioned personally to appear at the said Session, and to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as shall be by the Court awarded; and the Court at such Session shall hear and determine the Matter of Appeal, and shall make such Order thereon as to the Court shall seem meet; and in case of the Dismissal of the Appeal or the Affirmance of the Conviction or Order the Court shall adjudge and order the Party to be punished according to the Conviction, or to obey the Order appealed against, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

Who are to exercise the Powers of Justices.

LIII. And be it enacted, That in all Cases in which a Justice of the Peace is required or empowered to do any thing under this Act, or is named therein, a Burgh Magistrate shall have within his Jurisdiction the same Powers and Duties as are herein given to such Justice, and shall exercise the same in *Scotland;* but no Complaint preferred for any Offence against this Act committed in a Print Work

shall be heard by a Justice of the Peace or Burgh Magistrate, being an Occupier of the Print Work, or being the Father, Son, or Brother of the Occupier of the Print Work, in which the Offence set forth in the Complaint shall have been committed.

Alteration of Act.

LIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES to which the Act refers.

SCHEDULE (A.)

SURGICAL CERTIFICATE.

(*To be written or printed on white Paper.*)

PRINT WORKS REGULATION ACT, VICTORIA, C. .

No. ——. CERTIFICATE of AGE for a CHILD to be employed in the Print Work of situated at in .

I of duly appointed a certifying Surgeon, do hereby certify, That Son [*or* Daughter] of and residing in has been personally examined by me this Day of One thousand eight hundred and and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years; and that the said Child is not incapacitated by Disease or bodily Infirmity from working in the above-named Print Work for the Time allowed by this Act.

Signed Certifying Surgeon

The Form of Surgical Certificate to be given to a Child who has obtained a Certificate of real Age shall be the same as above, omitting the Words "and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years," and substituting these Words in their Place, "and that a Certificate of the Birth [*or* Baptism] of the said Child has been produced to me in the Form required by this Act, proving that the real Age of such Child is at least Eight Years."

(*To be written or printed on coloured Paper.*)

PRINT WORKS REGULATION ACT, VICTORIA, C. .

No. ——. CERTIFICATE of AGE for a YOUNG PERSON to be employed in the Print Work of situate at in .

I of duly appointed a certifying Surgeon, do hereby certify, That Son [*or* Daughter] of and residing in has been personally examined by me, this Day of One thousand eight hundred and and that the said young Person has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and that I believe the real Age of the said young Person to be at least Thirteen Years; and that the said young Person is not incapacitated by Disease or bodily Infirmity from working in the above-named Print Work for the Time allowed by this Act.

Signed Certifying Surgeon.

The Form of Surgical Certificate to be given to a young Person who has obtained a Certificate of real Age shall be the same as the above, omitting the Words "and that the said young Person has the ordinary Strength and Appearance

ance of a young Person of at least Thirteen Years of Age, and that I believe the real Age of the said young Person to be at least Thirteen Years," and substituting these Words in their Place, "and that a Certificate of the Birth [*or* Baptism] of the said young Person has been produced to me in the Form required by this Act, proving that the real Age of such young Person is at least Thirteen Years."

The Form of Surgical Certificate to be given in either Case by any Practitioner who is not a certifying Surgeon must be the same as the corresponding Form above given, omitting the Words " duly appointed a certifying Surgeon," and substituting the Words " duly authorized by the University [*or* College *or other public Body having Authority in that Behalf*] of to practise Surgery [*or* Medicine]," and making the following Addition, which must be signed by a Justice of the Peace or Burgh Magistrate:—

The Child [*or* young Person] named in the above-written Certificate has been this Day brought before me; and the Appearance of the said Child [*or* young Person] agrees with the Description therein given; and I believe the real Age of the said Child [*or* young Person] to be at least [*here insert the Word* " Eight" *or* " Thirteen" *in the Case of a young Person,*] Years; and I declare that I have no beneficial Interest in and am not the Occupier of any Print Work, and that I am not the Father, Son, or Brother of the Occupier of any Print Work.

Dated this Day of One thousand eight hundred and

Signed *C.D.*, Justice.
[*or* Burgh Magistrate.]

In every Surgical Certificate of Age the Day of the Month on which it shall be granted shall be written in Words, and not in Figures.

So soon as any Certificates authorized by this Act to be received as Proof of the Age of any Persons shall be obtained by the Occupier of a Print Work or his Agent, they shall be fixed in a Book, to be called " The Age Certificate Book," in the Order of the Dates at which they shall have been respectively received; and such Certificates shall be numbered in the Order in which they are so fixed in the Book; but the Certificates for Children shall be kept in a separate and distinct Place in the said Book, or in a separate Book, and shall be marked with a Series of running Numbers distinct from that of the Certificates for young Persons.

So soon as any Certificate of Age authorized by this Act shall be obtained, the Number herein-before required to be set against each Certificate shall be set against the Name of the Child or young Person to whom such Certificate has been granted in the first Column of the Register of the Persons employed required by this Act to be kept in each Factory.

If a Surgeon shall have refused to grant a Certificate of Age to any Child or young Person the Word " Refused" shall be written by the Surgeon in the Column of the Register where the Numbers of the Certificates are required to be inserted.

PRINT WORKS REGULATION ACT, VICTORIA, c. .

CERTIFICATE REFUSED.

I of duly appointed a certifying Surgeon, do hereby declare, That Son [*or* Daughter] of residing in has been personally examined by me this Day of One thousand eight hundred and and that in my Opinion the said [Child *or* young Person] has not the ordinary Strength and Appearance of a Child of at least Eight Years of Age [*or* of a young Person of at least

least Thirteen Years of Age], or [*or* and] is incapacitated by Disease and bodily Infirmity from working in a Print Work for the Time allowed by this Act.

Signed Certifying Surgeon.

N.B.—The Words within Brackets shall be in the Handwriting of the certifying Surgeon, who shall insert the Reason of his Refusal to be either on account of deficient Age or bodily Infirmity, or both, as the Case may be.

PRINT WORKS REGULATION ACT, VICTORIA, c. .

SCHOOL CERTIFICATE BOOK.

I HEREBY certify, That the Child *A.B.*, Son [*or* Daughter] of *C.D.* and *E.F.* residing in attended the School kept by me at in the Parish and County of for the Number of Hours and at the Time on each Day specified in the Columns opposite to his [*or* her] Name.

During the Week ending on Saturday the Day of 18 .

Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Total Number of Hours during this Week.
From	To	From	To	From	To	From	To	From	To	From	To	

Signed Schoolmaster,
this Day of 18 .

During the Week ending on Saturday the Day of 18 .

Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Total Number of Hours during this Week.
From	To	From	To	From	To	From	To	From	To	From	To	

Signed Schoolmaster,
this Day of 18 .

Under the Column headed with the Days of the Week the Periods of the Day that each Child attends School shall be stated, as thus, from Nine to Twelve, or from Two to Five, or any other Time, as the Case may be.

The Time when each Child attends School, or the Word "Absent," shall be stated in the Column for each Day in the Handwriting of the Schoolmaster; and no Certificate shall be valid unless the Schoolmaster shall, in his own Handwriting, subscribe to it his Christian and Surname in full.

Each Certificate Book shall contain Twenty-six Forms similar to the above, and shall be valid for the Purposes of this Act for Six Months only, either from the First Day of January to the last Day of June, or from the First Day of July to the last Day of December of any Year; and at the Expiration of either Period of Six Months such Certificate Book, containing the School Attendance

of the Child certified, shall be delivered by the Parent or other Person having direct Benefit from the Wages of such Child to the Occupier of the Print Work where such Child is employed, and if the Child cease to be employed in the Print Work to the Occupier of which such School Certificate Book was delivered, the Parent or other Person as aforesaid shall be entitled, on demand, to have the said Certificate Book restored to him.

SCHEDULE (B.)

REGISTERS.

Form of the Register of Children.

LIST of CHILDREN employed in this PRINT WORK.

No. of Reference to Age Certificate Book, as required by Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any Child ceases to be employed, insert opposite the Name the Word "Left;" and when any Child completes his Thirteenth Year of Age, the Word "Thirteen."	School at which the Child attends.	
	Surname.	Christian Name.	Month.	Day.	Year.		Name of the Master.	Situation of the School.

This Register shall contain the Name of every Child employed in the Print Work, to be entered in alphabetical Order, successively when engaged to work, whether for the first Time, or after having left, when re-engaged to work.

At the Beginning of this Register shall be inserted—

1. The Name of the Occupier or Firm.
2. The Name of the Print Work, the Place, Township, Parish, and County where it is situated, and the Post Office to which the Occupier desires his Letters to be directed.
3. The Nature of the Work carried on.
4. The Clock by which the Employment of the Workers in the Print Work is regulated.

Every Alteration in any of the above Particulars shall be inserted immediately after the Alteration shall have been made.

Form for the Register of young Persons.

LIST of YOUNG PERSONS employed in this FACTORY.

No. of Reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any young Person ceases to be employed, insert opposite the Name the Word "Left;" and when any young Person completes his Sixteenth Year of Age, the Word "Sixteen."
	Surname.	Christian Name.	Month.	Day.	Year.	

The

The Visits of the certifying Surgeon to the Print Work shall be recorded in this Register in the Manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	*	†	

* If the Surgeon shall be told that there is no Child or young Person in the Print Work to be examined at the Time of his Visit he shall insert in this Column the Word "None."

† If none be granted he shall insert the Word "None."

SCHEDULE (C.)

Notice to be fixed up in the Print Work.

FORM for the NOTICE to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, and the Clock for regulating the Hours of Work in the Print Work.

Name and Address of the Inspector of the District - - - } _____
Name and Address of the Sub-Inspector of the District - - - } _____
Name and Address of the Surgeon who grants Certificates of Age for the Print Work - - - } _____
Clock by which the Hours of Work are regulated - - - - } _____

SCHEDULE (D.)

Forms of Summonses and Conviction.

FORM of SUMMONS to be issued by an Inspector or Sub-Inspector against a Person who has committed an Offence.

County of
[*or* Borough of]

To the Constable of

WHEREAS it appeareth to me, *I.F.*, one of Her Majesty's Inspectors [*or* Sub-Inspector] of Factories, that *A.D.* of in the County [*or* Borough, *&c.*] of hath offended against the Act made in the Year of Her Majesty's Reign, intituled [*here set forth the Title of this Act*]; forasmuch as he the said *A. D.*, on the Day of in the Year of our Lord at in the County [*or* Borough, *&c.*] of did [*here set forth the Substance of the Charge*]: These, therefore, are to require you forthwith to summon the said *A.D.* to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County [*or* Borough, *&c.*] of who shall be present at in the County [*or* Borough, *&c.*] of on the Day of at the Hour of in the noon of the same Day, to answer to the said Charge, and to be further dealt with according

according to Law, and be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this Day of in the Year of our Lord

Signed *I.F.*, Inspector [*or* Sub-Inspector].

FORM of SUMMONS of a Witness to be issued by an Inspector or Sub-Inspector.

County of
[*or* Borough of]

To the Constable of

WHEREAS it appeareth to me, *I.F.*, one of Her Majesty's Inspectors [*or* Sub-Inspector] of Factories, that *A.D.* of in the County [*or* Borough, *&c.*] of hath offended against the Act made in the Year of Her Majesty's Reign, intituled [*here set forth the Title of the Act*]; forasmuch as he the said *A.D.*, on the Day of in the Year of our Lord at in the County [*or* Borough, *&c.*] of did [*here set forth the Substance of the Charge*], and that *B.P.* of in the County [*or* Borough, *&c.*] is a material Witness to be examined concerning the said Charge: These, therefore, are to require you forthwith to summon the said *B.P.* to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County [*or* Borough, *&c.*] of as shall be present at in the County [*or* Borough, *&c.*] of on the Day of at the Hour of in the noon of the same Day, to testify his Knowledge concerning the Premises, and be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this Day of in the Year of our Lord

Signed *I.F.*, Inspector [*or* Sub-Inspector].

FORM of CONVICTION.

County of
[Liberty *or* Borough, *as the Case may be.*]

BE it remembered, That on the Day of in the Year One thousand eight hundred and *A. B.* [*describe the Offender*] is convicted before us *J. P.* and *K. Q.*, Two of Her Majesty's Justices of the Peace for the County [Liberty *or* Borough, *as the Case may be,*] of in pursuance of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], for that he [*describe the Offence*].

Given under our Hands and Seals, the Day and Year above written.

J. P. (L.S.)
K. Q. (L.S.)

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XXX.

An Act to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council.* [30th *June* 1845.]

WHEREAS by an Act passed in the Session held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council,* after reciting that various Appeals to His Majesty in Council from the Courts of Suddur Dewanny Adawlut at the several Presidencies of *Calcutta*, *Madras*, and *Bombay*, in the *East Indies*, had been admitted by the said Courts, and the Transcripts of the Proceedings in Appeal had been from Time to Time transmitted under the Seal of the said Courts through the *East India* Company, then called the United Company of Merchants of *England* trading to the *East Indies*, to the Office of His Majesty's said Privy Council, but that the Suitors in the Causes so appealed had not taken the necessary Measures to bring on the same to a Hearing, it was enacted that it should be lawful for His Majesty in Council to give such Directions to the said Company and other Persons, for the Purpose of bringing to a Hearing before the Judicial Committee of the Privy Council the several Cases appealed 3 & 4 W. 4. c. 41.

appealed or thereafter to be appealed to His Majesty in Council from the several Courts of Suddur Dewanny Adawlut in the *East Indies*, and for appointing Agents and Counsel for the different Parties in such Appeals, and to make such Orders for the Security and Payment of the Costs thereof as His said Majesty in Council should think fit, and thereupon such Appeals should be heard and reported on to His Majesty in Council, and should be by His Majesty in Council determined, in the same Manner, and the Judgments, Orders, and Decrees of His Majesty in Council thereon should be of the same Force and Effect, as if the same had been brought to a Hearing by the Direction of the Parties appealing, in the usual Course of Proceeding: Provided always, that such last-mentioned Powers should not extend to any Appeals from the said Courts of Suddur Dewanny Adawlut other than Appeals in which no Proceedings then had been or should thereafter be taken in *England* on either Side for a Period of Two Years subsequent to the Admission of the Appeal by such Court of Suddur Dewanny Adawlut: And whereas by certain Orders in Council made under certain Powers contained in the said Act Provision is made for registering in the Council Office the Arrival in this Country of the Transcripts of the Proceedings in Appeals from the said Courts: And whereas it is considered advisable that the said Act should be amended in manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the herein-before recited Provisions of the said Act shall not apply to the Case of any Appeal which shall be admitted by any of the said Courts of Suddur Dewanny Adawlut after the First Day of *January* One thousand eight hundred and forty-six.

Recited Provisions of 3 & 4 W. 4. c. 41. not to apply to Appeals admitted by Suddur Courts after 1st Jan. 1846.

II. And be it enacted, That any Appeal to be admitted by any of the said Courts of Suddur Dewanny Adawlut after the said First Day of *January* One thousand eight hundred and forty-six shall be considered and be held to be abandoned and withdrawn by Consent of the Parties thereto, unless some Proceedings shall be taken in *England* in the same by One or more of the Parties thereto within Two Years after Registration at the Council Office of the Arrival of the Transcript; and any such Appeal as aforesaid shall be held to be abandoned and withdrawn in like Manner under any other Circumstances which Her Majesty in Council may from Time to Time by any Orders or Rules in that Behalf direct to be taken and considered as a Withdrawal thereof; and the *East India* Company are hereby required from Time to Time to ascertain and certify to the proper Courts in the *East Indies* all Appeals which may from Time to Time become abandoned and dropped under the Provisions of this Clause.

Appeals admitted after 1st Jan. 1846 to be considered as abandoned by Consent, unless, &c.

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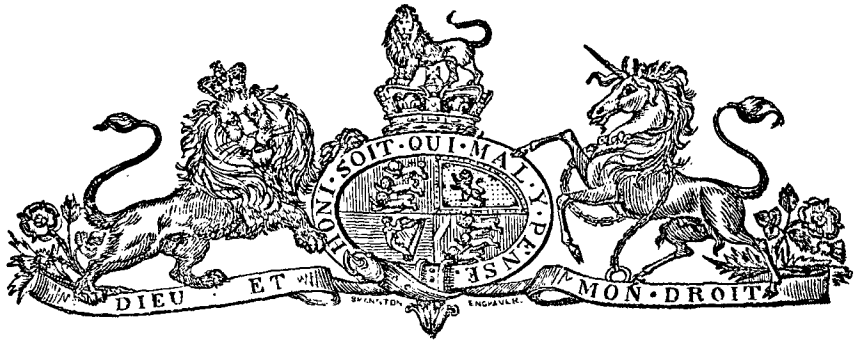

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XXXI.

An Act to facilitate the Transmission and Extinction of Heritable Securities for Debt in *Scotland*. [30th *June* 1845.]

WHEREAS it is expedient to facilitate the Transmission and Extinction of Heritable Securities for Debt in *Scotland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where an Heritable Security has been constituted by Infeftment the Right of the Creditor therein may be transferred, either in whole or in part, by an Assignation or other Deed of Conveyance, in the Form or as nearly as may be in the Terms set forth in the Schedule (No. 1.) hereto annexed; and on such Assignation or Conveyance being recorded in the General Register of Sasines, or in the Particular Register or Burgh Register of Sasines applicable to the Lands contained in the Security, the said Heritable Security shall be transferred to the Assignee as effectually as if such Heritable Security had been disponed and assigned, and the Disposition and Assignation or Conveyance had been followed by Sasine duly recorded according to the present Law and Practice; and such Assignee or Disponee shall thereupon be held to be fully entered as if he had obtained a Renewal of the Investiture in his

Heritable Securities to be transferred in the Form prescribed.

When Conveyance of Heritable Security is contained in a general Deed of Conveyance, the whole of such Deed need not be recorded.

Favour, according to the Law and Practice in use before the passing of this Act: Provided always, that where the Assignation or Conveyance of an Heritable Security constituted as aforesaid is contained in a Deed of Conveyance granted for further Purposes and Objects, or conveying other Properties, such as a Marriage Contract, Deed of Trust or Settlement, it shall not be necessary to record the whole of such Deed, but it shall be sufficient to expede and to put upon record a notarial Instrument, setting forth generally the Nature of the Deed of Conveyance, and containing at length the Part of such Deed which relates to and conveys the Security in question.

Completion of Title of Heir by Writ of Acknowledgment from Proprietor.

II. And be it enacted, That upon the Death of any Creditor fully vested in right of an Heritable Security constituted as aforesaid, it shall be competent for his Heir to complete his Title thereto by a Writ of Acknowledgment to be granted in his Favour by the Person duly infeft, of whom such Security is held, in the Form and as nearly as may be in the Terms set forth in Schedule (No. 2.) hereto annexed; and on such Writ being registered in the General Register of Sasines, or the Particular or Burgh Register respectively as aforesaid, the Heir in whose Favour such Writ has been granted shall be vested with the full Right of the Creditor in such Security, and shall be held to be entered with the Superior in like Manner and to the same Effect as the Creditor himself.

Adjudgers to complete their Title by recording the Abbreviate of Adjudication.

III. And be it enacted, That where an Adjudication of any Heritable Security, vested as aforesaid, has been brought against the Creditor in such Security, or against the Heir of such Creditor, it shall be competent for the Adjudger to complete his Title thereto by recording, in the General or Particular or Burgh Registers of Sasines respectively as aforesaid, the Abbreviate of the Adjudication; which Registration shall have the same Effect as if the Adjudger had been entered and infeft on a Charter of Adjudication.

Heir or General Disponee may complete Title by notarial Instrument recorded.

IV. And be it enacted, That it shall be competent to the Heir duly served and retoured, or to the General Disponee of any Creditor, who was duly vested in an Heritable Security as above mentioned, to complete his Title to such Security without the Intervention of the Superior, by expeding and recording an Instrument under the Hands of a Notary Public, in the Form and as nearly as may be in the Terms set forth in Schedule (No. 3.) hereto annexed; and on such Instrument being registered in the General, Particular, or Burgh Registers respectively as above mentioned, such Heir or Disponee shall be taken to be vested with the full Right of the Creditor in such Security and to be entered with the Superior, in the same Manner and to the same Effect as the Creditor himself.

Assignations, Conveyances, &c. to be registered forthwith.

V. And be it enacted, That Assignations and Conveyances of Heritable Securities, Writs of Acknowledgment in favour of Heirs, or Instruments taken in favour of Heirs or Disponees, or Discharges of Heritable Securities, presented for Registration in pursuance of this Act, shall be forthwith shortly registered in the Minute Books of the Register of Sasines in common Form, and shall, with all due Despatch, be fully registered in the Register Books, and thereafter re-delivered

to the Parties, with Certificates of due Registration thereon, which shall be probative of such Registration, such Certificates specifying the Date of Presentation and the Book and Folio in which the Ingrossment has been made, and being subscribed by the Keeper of the Register; and the Date of Entry in the Minute Book shall be held to be the Date of Registration, and Extracts of Writings, registered in pursuance of this Act, shall make Faith in all Cases, in like Manner as the Writings registered, except where the Writings so registered are offered to be improven.

Assignations or Conveyances to be registered at any Time.

VI. And be it enacted, That Assignations or Conveyances of Heritable Securities, constituted as aforesaid, may be registered at any Time; and all such Writings shall in competition be preferable according to the Date of the Registration thereof.

In all Questions under the Bankrupt Acts in Scotland, the Dates of the Registration of Assignations, &c. to be held to be the Dates of the Instruments.

VII. And be it enacted, That in all Questions under an Act passed by the Parliament of *Scotland* in the Year One thousand six hundred and ninety-six, intituled *Act for declaring Nottour Bankrupt;* and under an Act passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for rendering the Payment of Creditors more equal and expeditious in* Scotland; and under an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for regulating the Sequestration of the Estates of Bankrupts in* Scotland; the Date of the Registration of all Assignations, Conveyances, Writs of Acknowledgment, Instruments, Discharges, or other Deeds granted or taken in pursuance of this Act, shall be held to be the Date of such Assignations, Conveyances, Writs of Acknowledgment, Instruments, Discharges, and Deeds respectively, without Prejudice to their Validity or Invalidity in other respects.

How any Bond or Disposition in Security may be renounced or discharged.

VIII. And be it enacted, That any Bond and Disposition in Security, completed by Infeftment or other Heritable Security, may be effectually renounced and discharged, in whole or in part, by a Discharge in the Form or as nearly as may be in the Terms set forth in the Schedule (No. 4.) hereto annexed, and by the Registration of such Discharge in the General Register of Sasines or the Particular or Burgh Register of Sasines as aforesaid.

Parties may use the present Forms if they see fit.

IX. And be it enacted and declared, That nothing in this Act contained shall prevent the Transmission or Extinction of Heritable Securities in the Forms in use at the passing of this Act.

Fees to be taken by existing Town Clerks of Royal Burghs and Keepers of Registers during their respective Rights of Office, &c.

X. And be it enacted, That nothing herein contained shall be construed to prevent the existing Town Clerks of Royal Burghs in *Scotland*, during the Existence of their respective Rights of Office, from exacting and receiving the same Fees in respect of the recording of Assignations or Conveyances of Heritable Securities, Abbreviates of Adjudication, Writs of Acknowledgment in favour of Heirs, or Instruments taken in favour of Heirs and Disponees under this Act, as the same Town Clerks would before the passing of this Act have been legally entitled to exact or receive on their own Account, in respect of passing the Infeftments within Burgh, and preparing and recording the

the Instruments of Sasine and Resignation rendered unnecessary by such Assignations, Conveyances, Writs of Acknowledgment, Instruments, or Abbreviates of Adjudication as aforesaid; provided always, that in computing the said Fees such Instruments of Sasine and Resignation shall not be computed as of greater Length than the Writings actually recorded whereby such Instruments of Sasine and Resignation have been rendered unnecessary; and all other Keepers of Registers of Sasine, during the Existence of their respective Rights of Office, or until otherwise regulated by Law, shall, upon the Registration by them of each Assignation, Conveyance, Writing of Acknowledgment, Abbreviate of Adjudication, or Instrument aforesaid, registered under the Provisions of this Act, be entitled to the same Fees as such Keeper would have been entitled to upon the Registration of an Instrument of Sasine of the same Length in favour of the same Party in reference to the same Right, and to no other or further Fee whatever.

Fees may be regulated by the Court of Session.

XI. And be it enacted and declared, That nothing in this Act contained shall prevent the Court of Session from passing such Acts of Sederunt as the said Court may deem proper for regulating the aforesaid Registers, and the Fees to be paid to the several Keepers thereof, and having regard to the Nature and Extent of the Interests of such Keepers.

Interpretation Clause.

XII. And be it enacted, That the following Words used in this Act and in the Schedules hereto annexed shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context of the Act shall be repugnant to such Construction; (that is to say,) the Words "Notary Public" shall be held to mean a Notary Public in *Scotland* duly admitted and practising there; the Word "Creditor" shall extend to and include the Party in whose Favour the Heritable Security is granted, or who is in right thereof; the Word "Lands" shall include all Heritable Subjects or Real Estate over which the Security extends, and whereof Infeftment may be taken; every Word importing the Singular Number shall extend and be applied to several Persons as well as one Person, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

"Notary Public:"

"Creditor:"

"Lands:"

Number:

Gender.

Commencement of Act.

XIII. And be it enacted, That this Act shall commence and take effect from and after the First Day of *October* in the present Year One thousand eight hundred and forty-five.

Act may be amended or repealed.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (No. 1.)

Form of Assignation of a Bond and Disposition in Security and Sasine thereon.

I *A.B.* [*Name and Designation of Cedent*], in consideration of the Sum of [*insert Sum*] now paid to me, do hereby assign, dispone, and convey to and in favour of *C.D.* [*Name and Designation of Assignee*], a Bond or Disposition in Security, dated the [*insert the Date*], for the Sum of [*insert Sum*], granted by *E.F.* (a) [*Name and Designation of Debtor*] in my Favour, with Interest from the [*insert Date*], and also all and whole [*describe the Lands*], (b) all as specified and described in the said Bond and Instrument of Sasine thereon, and registered in the [*here specify the Register of Sasines in which the Sasine is registered*], on the [*specify Date of Registration*]. In witness whereof, *&c.* [*Here insert a Testing Clause in legal Form.*]

G.H., Witness. (Signed) *C.D.*
I.K., Witness.

Note:—(a) If the Conveyance is granted not by the original Creditor in the Security, but by a Person to whom the Security has already been assigned, or in whom it has become vested by Succession or Diligence, the Conveyance will shortly narrate the Title or Series of Titles by which the Granter of the Conveyance has Right to it.

(b) Where the Assignation is made under any Qualification or Condition, such will be introduced after the Description of the Lands.

SCHEDULE (No. 2.)

Form of Writ of Acknowledgment by a Person infeft of Lands in favour of the Heir or Disponee of the Creditor.

I *A.B.* [*insert Name and Designation of Granter*] hereby acknowledge *C.D.* [*insert Name and Designation of Creditor*], being [*specify Relationship*], and thereby in right of a Bond and Disposition in Security, dated [*insert Date*], for the Sum of [*insert Sum*], granted by [*insert Name and Designation of Debtor*] in favour of [*insert Name and Designation of Creditor*], and Sasine thereon, registered in the [*specify the Register of Sasines in which the Sasine is registered*] on the [*specify Date of Registration*], over all and whole [*describe the Lands*]. In witness whereof, *&c.* [*Here insert a Testing Clause in legal Form.*]

E.F., Witness. (Signed) *A.B.*
G.H., Witness.

SCHEDULE (No. 3.)

Form of Instrument in favour of an Heir of a Creditor.

BE it known that, by Bond and Disposition in Security, dated the [*insert Date*], and Sasine thereon, registered in the [*specify Register of Sasines*] on the [*insert Date*], granted by *A. B.* in favour of *C.D.*, the said *A.B.* bound and obliged himself [*insert the personal Obligation and Disposition of the Lands in Security, with the Description of them contained in the Bond*], to which Bond and Disposition in Security, and Lands and others therein contained, and Sasine thereon, *E.F.* acquired Right by [general *or* special Service, *as the Case may be*], as [*specify Character in which Heir was served*] to the said *C.D.*, dated the [*insert Date of Service*], before the [*specify the Court before which the Heir has been served*], and duly retoured to Chancery [*if the Party be a Disponee, state the Date of the Disposition in his Favour*]. (a) Whereupon this Instrument is taken by the said *E.F.* in the Hands of *G.H.* [*Name and Designation of Notary Public*] in the Terms of the Act Victoria, intituled "An Act to facilitate the Transmission and Extinction of Heritable Securities for Debt in Scotland." In witness whereof [*here insert a Testing Clause in legal Form*].

J. K., Witness. (Signed) *G.H.*
L. M., Witness. Notary Public.

Note (a).—If the Person in whose Favour the Instrument is taken is not the Heir or Disponee of the original Creditor, but of one who has acquired Right to the Debt, here specify shortly the Title or Series of Titles by which the Ancestor of the Heir or Author of the Disponee acquired such Right.

SCHEDULE (No. 4.)

Form of Discharge of Bond and Disposition in Security.

I *A.B.*, in consideration of the Sum of [*specify Sum*] now paid to me by *C.D.*, do hereby discharge a Bond and D[illegible]ition, dated [*insert Date*], in security for the Sum of [*insert S*[illegible]*ed by* [*insert Name and Designation of Debtor*], in favour[illegible]*e and Designation of Grantee*], and of all Interest du[illegible]l I declare to be redeemed and disburdened thereof, and of the Infeftment following thereon, all and whole [*describe the Lands*], all as specified and described in the said Bond and Disposition in Security, and Instrument of Sasine thereon, as the same is registered in the [*specify the Register of Sasines in which the Sasine is registered*], on the [*specify Date of Registration*]. In witness whereof, *&c.* [*Here insert a Testing Clause in legal Form.*]

E. F., Witness. (Signed) *A. B.*
G. H, Witness.

Note (b).—If the Granter of the Discharge is not the original Creditor, but one who has acquired Right to the Debt, specify shortly, immediately before the Testing Clause of the Writing, the Title or Series of Titles by which the Granter acquired such Right.

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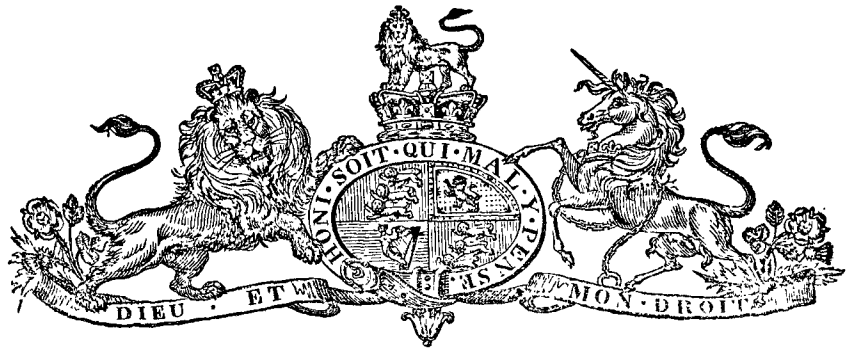

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Correction in England *and* Wales, the Justices of the Peace assembled at any General or Quarter Sessions to be holden for any County were authorized, in certain Cases, and under the Restrictions therein mentioned, to borrow on Mortgage of the Rate of such County any Sum or Sums of Money not exceeding in the whole the Principal Sum of Money that might then be outstanding on the Securities theretofore granted under the said first-recited Act, and therewith to discharge the whole or any Part of the Money for which such Securities should have been given: And whereas by an Act passed in the Sixth Year of the Reign of His said Majesty King *George* the Fourth, intituled
6 G. 4. c. 40. *An Act to enable Justices of the Peace in* England, *in certain Cases, to borrow Money on Mortgage of the Rate of the County, Riding, or Place for which such Justices shall be then acting*, the Justices of the Peace assembled at any General or Quarter Sessions to be holden for any County were authorized, in certain Cases, and under the Restrictions therein mentioned, to borrow on Mortgage of the Rate of such County any Sum or Sums of Money not exceeding in the whole the Principal Sum of Money that might then be outstanding on the Securities theretofore granted under the Provisions of the said recited Acts of the Fourth and Fifth Years of the Reign of His said Majesty King *George* the Fourth, or of either of them, or under the Provisions of an Act passed in the Forty-eighth Year of the Reign of His
4 & 5 G. 3. c. 96. Majesty King *George* the Third, intituled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England, or under the Provisions of any other Act or Acts, and therewith to pay off and discharge the whole or any Part of the Money for which such Securities should have been given; and by the same now reciting Act some of the Restrictions imposed by the said herein-before recited Acts upon the Power thereby given to borrow Money on Mortgage of the Rate of any County as aforesaid were repealed: And whereas by an Act passed in the Seventh Year of the Reign of
7 G. 4. c. 63. His said Majesty King *George* the Fourth, intituled *An Act to provide for repairing, improving, and rebuilding Shire Halls, County Halls, and other Buildings for holding the Assizes and Grand Sessions, and also Judges Lodgings, throughout* England *and* Wales, the Justices of the Peace in Quarter Sessions assembled were authorized, under the Restrictions therein mentioned, from Time to Time to borrow and take up on Mortgage of the Rate of any County such Sum of Money and for such Purposes as therein mentioned, and to secure every such Sum of Money so borrowed upon the Credit of the said Rates; and by the now reciting Act the said recited Act of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, and the several Clauses, Powers, and Provisions therein contained relating to the paying off of any Debt or Debts, and the borrowing of any Money for such Purposes, were made applicable to the paying off any Money borrowed under the Provisions or for the Purposes of the now reciting Act: And whereas by an Act passed in the Ninth Year of the
9 G. 4. c. 40. Reign of His said Majesty King *George* the Fourth, intituled *An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics, in* England, the Justices of the Peace within the respective Limits of their Commission, assembled in

their Quarter Sessions, were authorized, under the Restrictions therein mentioned, from Time to Time to borrow and take up on Mortgage of the Rates for any County such Sum of Money and for such Purposes as therein mentioned, and to secure all and every such Sum and Sums of Money so borrowed upon the Credit of the Rates to be raised upon such County respectively: And whereas by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to provide for repairing, improving, and rebuilding County Bridges*, the Justices of the Peace in Quarter Sessions assembled were authorized, under the Restrictions therein mentioned, from Time to Time to borrow and take up on Mortgage of the Rate of any County such Sum of Money and for such Purposes as therein mentioned, and to secure every such Sum of Money so borrowed upon the Credit of the said Rate; and by the now reciting Act the said recited Act of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, and the several Clauses, Powers, and Provisions in the said recited Act contained, relating to the paying off of any Debt or Debts, and the borrowing of any Money for such Purpose, were made applicable to the paying off any Money borrowed under the Provisions or for the Purposes of the now reciting Act: And whereas by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws concerning Prisons*, some of the Restrictions imposed by the said recited Act of the Fourth Year of the Reign of King *George* the Fourth upon the Power thereby given to borrow Money on Mortgage of the Rate of any County, for the Purposes therein mentioned, were repealed, and in lieu thereof other Restrictions were imposed upon the Power given by the said last-mentioned Act to borrow Money for the Purposes therein mentioned: And whereas the Rates of the County of *Middlesex* are now charged with the Payment of a large Amount of Money, under the Provisions of the several herein-before recited Acts, or some of them, and of certain other Acts: And whereas it may from Time to Time be necessary to borrow on Mortgage of the same Rates further Sums of Money, to be applied for the Purposes mentioned in the said several recited Acts of the Fourth, Seventh, and Ninth Years of the Reign of His said Majesty King *George* the Fourth, and the said Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty; but such of the Restrictions imposed by the same several Acts respectively, and by the said recited Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, upon the Powers given to borrow Money for the Purposes aforesaid, as still remain unrepealed, make the borrowing of Money on Mortgage of the Rates of the said County of *Middlesex* for the Purposes aforesaid unnecessarily burdensome to the Rate-payers of the said County; and the Provisions contained in the said several recited Acts of the Fifth, Sixth, and Seventh Years of the Reign of His said Majesty King *George* the Fourth, and in the said recited Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, enabling Justices of the Peace to borrow Money for the Purpose of paying off

4 & 5 Vict. c. 49.

5 & 6 Vict. c. 98.

off or discharging Money borrowed under the Provisions or for the Purposes of the said recited Acts, or some of them, may render it difficult for the Justices of the Peace of the said County of *Middlesex* to borrow Money on Mortgage of the Rates of the same County, for the Purposes aforesaid, upon Terms advantageous to the said Rate-payers; and it is therefore expedient that so much of the said several recited Acts as authorizes the Justices of the Peace to borrow Money on Mortgage of County Rates for any other Purpose than that of paying off or discharging Money which at the Time of the passing of this Act hath been borrowed on Mortgage of the Rates of any County should be repealed, so far as relates to the County of *Middlesex;* and that the Justices of the Peace for the same County should be authorized to borrow on Mortgage of the Rates of the same County such Sums of Money as may be hereafter required for the Purposes mentioned in the said several herein-before recited Acts of the Fourth, Seventh, and Ninth Years of the Reign of His said Majesty King *George* the Fourth, and the said Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty respectively, (other than for paying off or discharging Money hereafter to be borrowed on Mortgage of the Rates of the same County,) without being subject to the Restrictions by the same several Acts and the said recited Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty respectively imposed upon the Powers thereby given to borrow Money for the Purposes aforesaid, but subject to such other Restrictions as are herein-after imposed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said several recited Acts as authorizes the Justices of the Peace for any County to borrow Money on Mortgage of the Rates to be raised upon such County for any Purpose (other than the Purpose of paying off or discharging any Money which at the Time of the passing of this Act hath been borrowed on Mortgage of the Rates of such County), so far as the said several recited Acts respectively relate to the said County of *Middlesex*, shall be and the same is hereby repealed.

So much of the recited Acts as authorizes the borrowing of Money on Mortgage of the Rates repealed, so far as relates to the County of Middlesex.

II. And be it enacted, That from Time to Time, when any Estimate shall have been approved by the Justices of the Peace for the said County of *Middlesex* in General or Quarter Sessions assembled, for the building or rebuilding, repairing or enlarging any Gaol or House of Correction in and for the said County, under the Powers of the said recited Act of the Fourth Year of the Reign of His said Majesty King *George* the Fourth, and also when any Estimate shall have been approved by the Justices of the Peace for the said County in General or Quarter Sessions assembled, for the building or rebuilding, repairing, improving, or enlarging any Shire Hall, County Hall, or other Building in and for the said County, under the Powers of the said recited Act of the Seventh Year of the Reign of His said Majesty King *George* the Fourth, and also when it shall seem necessary and expedient to the Justices of the Peace for the said County in

Justices for the County of Middlesex empowered to borrow Money on Security of the County Rate, for building or repairing Gaols, &c.;

in General or Quarter Sessions assembled to borrow and take up on Mortgage of the Rates to be raised upon the said County any Money, in order to defray the Charge and Costs of carrying the said recited Act of the Ninth Year of the Reign of His said Majesty King *George* the Fourth, relating to County Lunatic Asylums, into execution, so far as the same relates to the said County, and also when any Estimate shall have been approved by the Justices of the Peace for the said County in General or Quarter Sessions assembled for the upholding, maintaining, supporting, altering, widening, repairing, improving, or rebuilding of any County Bridge or Bridges, or the Approaches thereto, or the Land Arches connected therewith, which the said County is legally bound to repair or maintain, it shall and may be lawful for the Justices of the Peace for the said County in General or Quarter Sessions assembled from Time to Time to borrow and take up at Interest on Mortgage of the Rate of the said County, by Instrument in the Form contained in the Schedule to this Act annexed, or to the like Effect, any Sum or Sums of Money, not exceeding the Amount of such Estimates or of such Charge and Costs as aforesaid respectively (as the Case may be), as to the said Justices shall appear necessary and expedient for the Purposes aforesaid, and to secure every such Sum of Money so borrowed upon the Credit of the said Rate.

and to charge the County Rate with the Interest, and so much more as will repay the Principal in Thirty Years.

III. And be it enacted, That from Time to Time when the Justices of the Peace for the said County shall borrow any Money under the Powers of this Act, the said Justices shall charge the Rate to be raised upon the said County, not only with the Interest of the Money so borrowed, but also with the Payment of such further Sum as will ensure the Payment of the whole Sum borrowed within Thirty Years from the Time of borrowing the same; and such Sums shall be assessed on the said County in such Manner as County Rates are directed to be assessed under the Laws in force for that Purpose, and shall be paid and applied, under the Direction of the said Justices, in discharge of the Interest and of so many of the Principal Sums on the said Securities as such Money will extend to discharge in each Year, until the whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the said Justices shall and they are hereby required to fix One or more Day or Days in each Year on which such Payment shall be made, and shall make Orders for Assessments in due Time, so as to provide for the regular Payment thereof; and such Justices shall also and they are hereby required to appoint a proper Person to keep an exact and regular Account of all the Receipts and Payments under the Authority of this Act in a Book or Books separate and apart from all other Accounts, and the same to adjust and settle in such Manner as that it may easily be seen what Interest is growing due, and what Principal Money has been discharged, and what remains due, and the Book or Books so adjusted and settled to deliver into Court at every General or Quarter Sessions to be held for the said County; and the said Justices shall also and they are hereby required at every such Sessions carefully to inspect all such Accounts, and to make Orders for carrying the several Purposes of this Act into execution, in such Manner as to them shall seem meet.

Expences of Act.

IV. And be it enacted, That the Costs and Expences of preparing, obtaining, and passing this Act, and all other Charges incident or relating thereto, shall be paid by the Treasurer of the said County of *Middlesex* out of the first Monies which shall be in his Hands on account of the County Rates.

Public Act.

V. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

Alteration of Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act or Acts to be passed in this present Session of Parliament.

The

The SCHEDULE referred to in this Act.

WE, One of Her Majesty's Justices of the Peace, and Chairman of the Court of General [*or* Quarter] Sessions of the Peace for the County of Middlesex, holden at the Sessions House situate at in and for the said County on the Day of and Two others of Her Majesty's Justices of the Peace acting for the said County, and assembled in the said Court, in pursuance of the Powers to us given by an Act passed in the Year of the Reign of Her present Majesty Queen Victoria, intituled [*here insert the Title of this Act*], do hereby in open Court mortgage and charge all the Rates to be raised within the said County under the Description of County Rates with the Payment of the Sum of of lawful Money of Great Britain and Ireland, which hath proposed and agreed to lend and hath now actually paid to the Treasurer of the said County of Middlesex, upon the Credit of the said Rates, to defray the Expence of [*state the Purpose to which the Money is to be applied*]; and we do hereby confirm and establish the same unto the said his Executors, Administrators, and Assigns, for securing the Repayment of the said Sum of and Interest for the same after the Rate of for every One hundred Pounds for a Year; and do order the Treasurer for such County of Middlesex to pay the Interest of the said Sum of or of so much thereof as shall from Time to Time remain undischarged, half-yearly on the Day of and the Day of in every Year, as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act; and to pay One equal Thirtieth Part or Share of the said Principal Sum of to the said his Executors, Administrators, and Assigns, on the Day of which will be in the Year of our Lord One thousand eight hundred and and One other equal Thirtieth Part or Share of the said Principal Sum on the Day of in each and every succeeding Year, until the whole of the said Sum of shall be fully paid and discharged, pursuant to the Directions of the said Act. As witness our Hands and Seals, the Day and Year first above written.

Signed, sealed, and delivered in the Presence of }

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

CAP. XXXIII.

An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways in *Scotland*.

[21st *July* 1845.]

WHEREAS it is expedient to comprise in One general Act sundry Provisions usually introduced into Acts of Parliament authorizing the Construction of Railways in *Scotland*, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings, as for ensuring greater Uniformity in the Provisions themselves: And whereas a Bill is now pending in Parliament, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature in* Scotland, and which is intended to be called "The Lands Clauses Consolidation (*Scotland*) Act, 1845:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of this Act shall apply to every Railway in *Scotland* which shall by any Act which shall hereafter be passed be authorized

Operation of the Act confined to future Railways.

rized to be constructed, and this Act shall be incorporated with such Act; and all the Clauses and Provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, as well as the Clauses and Provisions of every other Act which shall be incorporated with such Act, from Part of such Act, and be construed together therewith as forming One Act.

Interpretations in this Act:

And with respect to the Construction of this Act, and other Acts to be incorporated therewith, be it enacted as follows:

"special Act:"

"prescribed:"

"the Lands:"

"the Undertaking."

II. The Expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the Construction of a Railway, and with which this Act shall be so incorporated as aforesaid; and the Word "prescribed" used in this Act in reference to any Matter herein stated shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act, and the Sentence in which such Word shall occur shall be construed as if, instead of the Word "prescribed," the Expression "prescribed for that Purpose in the special Act" had been used; and the Expression "the Lands" shall mean the Lands which shall by the special Act be authorized to be taken or used for the Purposes thereof; and the Expression "the Undertaking" shall mean the Railway and Works, of whatever Description, by the special Act authorized to be executed.

Interpretations in this and the special Act:

III. The following Words and Expressions both in this and the special Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Number:

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number:

Gender:

Words importing the Masculine Gender only shall include Females:

"Lands:"

The Word "Lands" shall include Lands, Houses, Tenements, and Heritages of any Tenure:

"Lease:"

The Word "Lease" shall include a Missive or an Agreement for a Lease:

"Toll:"

The Word "Toll" shall include any Rate or Charge or other Payment payable under the special Act, for any Passenger, Animal, Carriage, Goods, Merchandize, Articles, Matters, or Things conveyed on the Railway:

"Month:"

The Word "Month" shall mean Calendar Month:

"Lord Ordinary:"

The "Lord Ordinary" shall mean the Lord Ordinary of the Court of Session in *Scotland* officiating on the Bills in Time of Vacation, or the junior Lord Ordinary if in Time of Session, as the Case may be:

"Oath:"

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath:

The Word "County" shall include any Ward or other like Division of a County: "County:"

The Word "Sheriff" shall include the Sheriff Substitute: "Sheriff:"

The Word "Justice" shall mean Justice of the Peace acting for the County, City, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where such Matter shall arise in respect of Lands being the Property of one and the same Party, situate not wholly in any one County, City, or Place, shall mean a Justice acting for the County, City, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter; and where any Matter shall be authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices assembled and acting together: "Justice:" "Two Justices:"

Where under the Provisions of this or the special Act any Notice shall be required to be given to the Owner of any Lands, or where any Act shall be authorized or required to be done with the Consent of any such Owner, the Word "Owner" shall be understood to mean any Person or Corporation who, under the Provisions of this or the special Act, or any Act incorporated therewith, would be enabled to sell and convey Lands to the Company: "Owner:"

The Expression "the Bank" shall mean any one of the incorporated or chartered Banks in *Scotland*: "the Bank:"

The Expression "the Company" shall mean the Company or Party which shall be authorized by the special Act to construct the Railway: "the Company:"

The Expression "the Railway" shall mean the Railway and Works by the special Act authorized to be constructed: "the Railway:"

The Expression "the Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations. "Board of Trade."

IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Railways Clauses Consolidation (*Scotland*) Act, 1845." Short Title of the Act.

V. And whereas it may be convenient, in some Cases, to incorporate with Acts hereafter to be passed some Portion only of the Provisions of this Act; be it therefore enacted, That, for the Purpose of making any such Incorporation, it shall be sufficient in any such Act to enact that the Clauses of this Act with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act, in the Words introductory to the Enactment with respect to such Matter,) shall be incorporated with such Act, and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate. Form in which Portions of this Act may be incorporated in other Acts.

And

Construction of Railway.

And with respect to the Construction of the Railway and the Works connected therewith, be it enacted as follows:

The Construction of the Railway to be subject to the Provisions of this Act and the Lands Clauses Consolidation (Scotland) Act.

VI. In exercising the Power given to the Company by the special Act to construct the Railway, and to take Lands for that Purpose, the Company shall be subject to the Provisions and Restrictions contained in this Act and in the said Lands Clauses Consolidation (*Scotland*) Act; and the Company shall make to the Owners and Occupiers of and all other Parties interested in any Lands taken or used for the Purposes of the Railway, or injuriously affected by the Construction thereof, full Compensation for the Value of the Lands so taken or used, and for all Damage sustained by such Owners, Occupiers, and other Parties, by reason of the Exercise, as regards such Lands, of the Powers by this or the special Act, or any Act incorporated therewith, vested in the Company; and, except where otherwise provided by this or the special Act, the Amount of such Compensation shall be ascertained and determined in the Manner provided by the said Lands Clauses Consolidation Act for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof; and all the Provisions of the said last-mentioned Act shall be applicable to determine the Amount of any such Compensation, and to enforcing the Payment or other Satisfaction thereof.

Errors and Omissions in Plans to be corrected.

VII. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the Plans or Books of Reference mentioned in the special Act, or in the Schedule to the special Act, it shall be lawful for the Company, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to the Sheriff for the Correction thereof; and if it shall appear to such Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited in the Office of the Principal Sheriff Clerk in every County in which the Lands affected thereby shall be situate, and shall also be deposited with the Schoolmasters of the several Parishes (or, in Royal Burghs, with the Town Clerk,) in which the Lands affected thereby shall be situate; and such Certificate shall be kept by such Sheriff Clerks, Schoolmasters, and other Persons respectively along with the other Documents to which they relate; and thereupon such Plan, Book of Reference, or Schedule shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Works not to be proceeded with until Plans of all Alterations authorized by

VIII. It shall not be lawful for the Company to proceed in the Execution of the Railway unless they shall have previously to the Commencement of such Work deposited in the Office of the Principal Sheriff Clerk in every County in or through which the Railway is intended to pass a Plan and Section of all such Alterations from the original Plan and Section as shall have been approved of

of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section of the Railway, and shall also have deposited with the Schoolmasters of the several Parishes (or, in Royal Burghs, with the Town Clerk,) in or though which such Alterations shall have been authorized to be made Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively.

Parliament have been deposited.

IX. The said Sheriff Clerks, Schoolmasters, and Town Clerks shall receive the said Plans and Sections of Alterations, and Copies and Extracts thereof respectively, and shall retain the same, as well as the said original Plans and Sections, and shall permit all Persons interested to inspect any of the Documents aforesaid, and to make Copies and Extracts of and from the same, in the like Manner and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of the original Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

Sheriff Clerks, &c. to receive Plans of Alterations, and allow Inspection.

7 W. 4. & 1 Vict. c. 83.

X. True Copies of the said Plans and Books of Reference, or of any Alteration or Correction thereof, or Extract therefrom, certified by any such Sheriff Clerk in *Scotland*, which Certificate such Sheriff Clerk shall give to all Parties interested, when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Copies to be Evidence.

XI. In making the Railway it shall not be lawful for the Company to deviate from the Levels of the Railway, as referred to the common Datum Line described in the Section approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or, in passing through a Town, Village, Street, or Land continuously built upon, Two Feet, without the previous Consent in Writing of the Owners and Occupiers of the Land in which such Deviation is intended to be made; or in case any Street or public Highway shall be affected by such Deviation, then the same shall not be made without the Consent of the Trustees or Commissioners having the Control of such Street or public Highway, or, if there be no such Trustees or Commissioners, without the Consent of the Sheriff, or without the Consent of the Trustees or Commissioners for any public Sewers, or the Proprietors of any Canal, Navigation, Gas Works, or Water-works, affected by such Deviation: Provided always, that it shall be lawful for the Company to deviate from the said Levels to a further Extent without such Consent as aforesaid, by lowering solid Embankments or Viaducts, provided that the requisite Height of Headway as prescribed by Act of Parliament be left for Roads, Streets, or Canals passing under the same: Provided also, that Notice of every Application to the Sheriff for the Purpose of considering the Matter shall, Fourteen Days previous to such Application, be given in some Newspaper circulating in the County, and also be affixed upon the

Limiting Deviation from Datum Line described on Sections, &c.

Construction of Railway.

the Door of the Parish Church in which such Deviation or Alteration is intended to be made, or, if there be no Church, some other Place to which Notices are usually affixed.

Previous Notice of such Deviation to be given.

XII. Before it shall be lawful for the Company to make any greater Deviation from the Level than Five Feet, or, in any Town, Village, Street, or Land continuously built upon, Two Feet, after having obtained such Consent as aforesaid, it shall be incumbent on the Company to give Notice of such intended Deviation by public Advertisement, inserted Once at least in Two Newspapers, or Twice at least in One Newspaper, circulating in the District or Neighbourhood where such Deviation is intended to be made, Three Weeks at least before commencing to make such Deviation; and it shall be lawful for the Owner of any Lands prejudicially affected thereby, at any Time before the Commencement of the making of such Deviation, to apply to the Board of Trade, after giving Ten Days Notice to the Company, to decide whether, having regard to the Interests of such Applicant, such proposed Deviation is proper to be made; and it shall be lawful for the Board of Trade, if they think fit, to decide such Question accordingly, and by their Certificate in Writing either to disallow the making of such Deviation, or to authorize the making thereof, either simply or with any such Modification as shall seem proper to the Board of Trade; and after any such Certificate shall have been given by the Board of Trade it shall not be lawful for the Company to make such Deviation, except in conformity with such Certificate.

Arches, Tunnels, &c. to be made as marked on deposited Plans.

XIII. Where in any Place it is intended to carry the Railway on an Arch or Arches or other Viaduct, as marked on the said Plan or Section, the same shall be made accordingly; and where a Tunnel is marked on the said Plan or Section as intended to be made at any Place, the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Land in which such Tunnel is intended to be made shall consent that the same shall not be so made.

Limiting Deviations from Gradients, Curves, &c.

XIV. It shall not be lawful for the Company to deviate from or alter the Gradients, Curves, Tunnels, or other Engineering Works described in the said Plan or Section, except within the following Limits, and under the following Conditions; (that is to say,)

Subject to the above Provisions in regard to altering Levels, it shall be lawful for the Company to diminish the Inclination or Gradients of the Railway to any Extent, and to increase the said Inclination or Gradients as follows; (that is to say,) in Gradients of an Inclination not exceeding One in a Hundred, to any Extent not exceeding Ten Feet *per* Mile, or to any further Extent which shall be certified by the Board of Trade to be consistent with the public Safety, and not prejudicial to the public Interest; and in Gradients exceeding the Inclination of One in a Hundred, to any Extent not exceeding Three Feet *per* Mile, or to any further Extent which shall be so certified by the Board of Trade as aforesaid:

It shall be lawful for the Company to diminish the Radius of any Curve described in the said Plan to any Extent which shall

leave

leave a Radius of not less than Half a Mile, or to any further Extent authorized by such Certificate as aforesaid from the Board of Trade: *Construction of Railway.*

It shall be lawful for the Company to make a Tunnel, not marked on the said Plan or Section, instead of a Cutting, or a Viaduct instead of a solid Embankment, if authorized by such Certificate as aforesaid from the Board of Trade.

XV. It shall be lawful for the Company to deviate from the Line delineated on the Plans so deposited, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plans, nor to a greater Extent in passing through a Town that Ten Yards, or elsewhere to a greater Extent than One hundred Yards from the said Line, and that the Railway by means of such Deviation be not made to extend into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Books of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein or in the special Act provided for in Cases of unintentional Errors in the said Book of Reference. Lateral Deviations.

XVI. Subject to the Provisions and Restrictions in this and the special Act, and any Act incorporated therewith, it shall be lawful for the Company, for the Purpose of constructing the Railway, or the Accommodation Works connected therewith, herein-after mentioned, to execute any of the following Works; (that is to say,) Works to be executed.

They may make or construct, in, upon, across, under, or over any Lands, or any Streets, Hills, Valleys, Roads, Railroads, or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters, within the Lands described in the said Plans, or mentioned in the said Books of Reference or any Correction thereof, such temporary or permanent Inclined Planes, Tunnels, Embankments, Aqueducts, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences as they think proper; Inclined Planes, &c.

They may alter the Course of any Rivers not navigable, Canals, Brooks, Streams, or Watercourses, and of any Branches of navigable Rivers, such Branches not being themselves navigable, within such Lands, for the Purpose of constructing and maintaining Tunnels, Bridges, Passages, or other Works over or under the same, and divert or alter, as well temporarily as permanently, the Course of any such Rivers or Streams of Water, Roads, Streets, or Ways, or raise or sink the Level of any such Rivers or Streams, Roads, Streets, or Ways, in order the more conveniently to carry the same over or under or by the Side of the Railway, as they may think proper; Alteration of Course of Rivers, &c.

They may make Drains or Conduits into, through, or under any Lands adjoining the Railway, for the Purpose of conveying Water from or to the Railway; Drains, &c.

They may erect and construct such Houses, Warehouses, Offices, and other Buildings, Yards, Stations, Wharfs, Engines, Machinery, Warehouses, &c.

chinery, Apparatus, and other Works and Conveniences, as they think proper;

Alterations and Repairs. They may from Time to Time alter, repair, or discontinue the before-mentioned Works or any of them, and substitute others in their Stead; and

General Power. They may do all other Acts necessary for making, maintaining, altering, or repairing, and using the Railway:

Proviso as to Damages. Provided always, that in the Exercise of the Powers by this or the special Act granted the Company shall do as little Damage as can be, and shall make full Satisfaction, in manner herein and in the special Act, and any Act incorporated therewith, provided, to all Parties interested, for all Damage by them sustained by reason of the Exercise of such Powers.

Works on the Shore of the Sea, &c. not to be constructed without the Authority of the Commissioners of Woods and Forests and Commissioners of the Admiralty.

XVII. It shall not be lawful for the Company to construct on the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, where and so far up the same as the Tide flows and reflows, any Work, or to construct any Railway or Bridge across any Creek, Bay, Arm of the Sea, or navigable River, where and so far up the same as the Tide flows and reflows, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of the Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lord High Admiral, or the said Commissioners, may approve of, such Approval being signified as last aforesaid; and where any such Work, Railway, or Bridge shall have been constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consents or Approvals; and if any such Work, Railway, or Bridge shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Costs and Charge of the Company; and the Amount thereof may be recovered in the same Manner as a Penalty is recoverable against the Company.

Alteration of Water and Gas Pipes, &c.

XVIII. It shall be lawful for the Company, for the Purpose of constructing the Railway, to raise, sink, or otherwise alter the Position of any of the Watercourses, Water Pipes, or Gas Pipes belonging to any of the Houses adjoining or near to the Railway, and also the Mains and other Pipes laid down by any Company or Society who may furnish the Inhabitants of such Houses or Places with Water or Gas, and also to remove all other Obstructions to such Construc-

tion, so as the same respectively be done with as little Detriment and Inconvenience to such Company, Society, or Inhabitants as the Circumstances will admit, and be done under the Superintendence of the Company to which such Water Pipes or Gas Pipes belong, and of the several Commissioners or Trustees, or Persons having Control of the Pavements, Sewers, Roads, Streets, Highways, Lanes, and other public Passages and Places within the Parish or District where such Mains, Pipes, or Obstructions shall be situate, or of their Surveyor, if they or he think fit to attend, after receiving not less than Forty-eight Hours Notice for that Purpose. *Construction of Railway.*

XIX. Provided always, That it shall not be lawful for the Company to remove or displace any of the Mains or Pipes (other than private Service Pipes), Syphons, Plugs, or other Works belonging to any such Company or Society, or to do any thing to impede the Passage of Water or Gas into or through such Mains or Pipes, until good and sufficient Mains or Pipes, Syphons, Plugs, and all other Works necessary or proper for continuing the Supply of Water or Gas as sufficiently as the same was supplied by the Mains or Pipes proposed to be removed or displaced, shall, at the Expence of the Company, have been first made and laid down in lieu thereof, and be ready for Use, in a Position as little varying from that of the Pipes or Mains proposed to be removed or displaced as may be consistent with the Construction of the Railway, and to the Satisfaction of the Surveyor or Engineer of such Water or Gas Company or Society, or, in case of Disagreement between such Surveyor or Engineer and the Company, as a Justice shall direct. Company not to disturb Pipes until they have laid down others.

XX. It shall not be lawful for the Company to lay down any such Pipes contrary to the Regulations of any Act of Parliament relating to such Water or Gas Company or Society, or to cause any Road to be lowered for the Purposes of the Railway, without leaving a Covering of not less than Eighteen Inches from the Surface of the Road over such Mains or Pipes. Pipes not to be laid contrary to Act of Parliament, and 18 Inches surface Road to be retained.

XXI. The Company shall make good all Damage done to the Property of the Water or Gas Company or Society, by the Disturbance thereof, and shall make full Compensation to all Parties for any Loss or Damage which they may sustain by reason of any Interference with the Main Pipes or Works of such Water or Gas Company or Society, or with the private Service Pipes of any Person supplied by them with Water. Company to make good all Damage.

XXII. If it shall be necessary to construct the Railway or any of the Works over any Mains or Pipes of any such Water or Gas Company or Society, the Company shall, at their own Expence, construct and maintain a good and sufficient Culvert over such Main or Pipe, so as to leave the same accessible for the Purpose of Repairs. When Railway crosses Pipes, Company to make a Culvert.

XXIII. If by any such Operations as aforesaid the Company shall interrupt the Supply of Water or Gas they shall forfeit Twenty Pounds for every Day that such Supply shall be so interrupted; and Penalty for obstructing Supply of Gas or Water.

Construction of Railway.

such Penalty shall be appropriated to the Benefit of the Poor of the Parish in which such Obstruction shall occur, in such Manner as the Minister and Kirk Session of the Parish shall direct.

Penalty for obstructing Construction of Railway.

XXIV. If any Person wilfully obstruct any Person acting under the Authority of the Company in the lawful Exercise of their Power, in setting out the Line of the Railway, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of so setting out the Line of the Railway, or deface or destroy any Marks made for the same Purpose, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Temporary Use of Lands.

And with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, be it enacted as follows:

Company may occupy temporarily private Roads within Five hundred Yards of the Railway.

XXV. Subject to the Provisions herein and in the special Act contained, it shall be lawful for the Company at any Time before the Expiration of the Period by the special Act limited for the Completion of the Railway, to enter upon and use any existing private Road being a Road gravelled or formed with Stones or other hard Materials and not being an Avenue, or a planted or ornamental Road or an Approach to any Mansion House within the prescribed Limits, if any, or, if no Limits be prescribed, not being more than Five hundred Yards distant from the Centre of the Railway, as delineated on the Plans; but before the Company shall enter upon or use any such existing Road they shall give Three Weeks Notice of their Intention to the Owners and Occupiers of such Road and of the Lands over which the same shall pass, and shall in such Notice state the Time during which, and the Purposes for which, they intend to occupy such Road, and shall pay to the Owners and Occupiers of such Road, and of the Lands through which the same shall pass, such Compensation for the Use and Occupation of such Road, either in a gross Sum of Money or by half-yearly Instalments, as shall be agreed upon between such Owners and Occupiers respectively and the Company, or, in case they differ about the Compensation, the same shall be settled by the Sheriff in the same Manner as any Compensation not exceeding Fifty Pounds is directed to be settled by the Lands Clauses Consolidation (*Scotland*) Act, 1845.

Power to Owners and Occupiers of Road and Land to object that other Roads should be taken.

XXVI. It shall be lawful for the Owners and Occupiers of any such Road, and of the Lands over which the same passes, within Ten Days after the Service of the aforesaid Notice, by Notice in Writing to the Company, to object to the Company making Use of such Road, on the ground that other Roads, such as the Company are hereinbefore authorized to use for the Purposes aforesaid, or that some public Road would be more fitting to be used for the same, and upon the Objection being so made such Proceedings may be had as are herein-after mentioned with respect to Lands temporarily occupied by the Company, in respect of which Three Weeks Notice is herein-after required to be given, and in the same Manner as if in the Provisions relative to such Proceedings the Word Road or Roads or the Words Road and the Land over which the same passes, as

the Case may require, had been substituted in such Provisions for the Word Lands.

Temporary Use of Lands.

Power to take temporary Possession of Land without previous Payment of Price.

XXVII. Subject to the Provisions herein and in the special Act contained, it shall be lawful for the Company, at any Time before the Expiration of the Period by the special Act limited for the Completion of the Railway, without making any previous Payment, Tender, or Deposit, to enter upon any Lands, within the prescribed Limits, or if no Limits be prescribed, not being more than Two hundred Yards distant from the Centre of the Railway, as delineated on the Plans, and not being a Garden, Orchard, or Plantation attached or belonging to a House, nor a Park, planted Walk, Avenue, or Ground ornamentally planted, and not being nearer to the Mansion House of the Owner of any such Lands than the prescribed Distance, or if no Distance be prescribed, then not nearer than Five hundred Yards therefrom, and to occupy the said Lands so long as may be necessary for the Construction or Repair of that Portion of the Railway, or of the Accommodation Works connected therewith, herein-after mentioned, and to use the same for any of the following Purposes;(that is to say,)

For the Purpose of taking Earth or Soil by Side Cuttings therefrom;

For the Purpose of depositing Spoil thereon;

For the Purpose of obtaining Materials therefrom for the Construction or Repair of the Railway or such Accommodation Works as aforesaid; or

For the Purpose of forming Roads thereon to or from or by the Side of the Railway;

And in exercise of the Powers aforesaid it shall be lawful for the Company to deposit and also to manufacture and work upon such Lands Materials of every Kind used in constructing the Railway, and also to dig and take from out of any such Lands any Clay, Stone, Gravel, Sand, or other Things that may be found therein useful or proper for constructing the Railway or any such Roads as aforesaid, and for the Purposes aforesaid to erect thereon Workshops, Sheds, and other Buildings of a temporary Nature: Provided always, that nothing in this Act contained shall exempt the Company from an Action for Nuisance or other Injury, if any done, in the Exercise of the Powers herein-before given to the Lands or Habitations of any Party other than the Party whose Lands shall be so taken or used for any of the Purposes aforesaid: Provided always, that no Stone or Slate Quarry, Brick Field, or other like Place, which at the Time of the passing of the special Act shall be commonly worked or used for getting Materials therefrom for the Purpose of selling or disposing of the same, shall be taken or used by the Company, either wholly or in part, for any of the Purposes lastly herein-before mentioned.

Company to give Notice previous to such temporary Possession.

XXVIII. In case any such Lands shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials for the Construction or repairing of the Railway, the Company shall before entering thereon (except in the Case of Accident to the Railway requiring immediate Reparation) give Three Weeks Notice in Writing to the Owners and Occupiers of such Lands of their Intention to enter upon the same for

Temporary Use of Lands.

for such Purposes, and in case the said Lands are required for any of the other Purposes herein-before mentioned the Company shall (except in the Cases aforesaid) give Ten Days like Notice thereof; and the Company shall in such Notices respectively state the Substance of the Provisions herein-after contained respecting the Right of such Owner or Occupier to require the Company to purchase any such Lands, or to receive Compensation for the temporary Occupation thereof, as the Case may be.

Service of Notices on Owners and Occupiers of Lands.

XXIX. The said Notice shall either be served personally on such Owners and Occupiers, or left at their last usual Place of Abode, if any such can, after diligent Inquiry, be found, and in case any such Owner shall be absent from the United Kingdom, or cannot be found after diligent Inquiry, such Notice shall be served on the Factor or Agent (if any) of such Owner, and shall also be left with the Occupier of such Lands, or, if there be no such Occupier, shall be affixed upon some conspicuous Part of such Lands.

Power to Owner to object that other Lands ought to be taken.

XXX. In any Case in which a Notice of Three Weeks is herein-before required to be given it shall be lawful for the Owner or Occupier of the Lands therein referred to, within Ten Days after the Service of such Notice, by Notice in Writing to the Company, to object to the Company making use of such Lands, either on the ground that the Lands proposed to be taken for the Purposes aforesaid, or some Part thereof, or of the Materials contained therein, are essential to be retained by such Owner, in order to the beneficial Enjoyment of other neighbouring Lands belonging to him, or on the ground that other Lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such Purposes by the Company; and upon Objection being so made such Proceedings may be had as herein-after mentioned; and if in such Case the Company shall refuse to occupy such other Lands in lieu of those mentioned in the Notice, it shall be lawful for the Sheriff, on the Application of such Owner or Occupier, to summon the Company and the Owners and Occupiers of such other Lands to appear before him at a Time and Place to be named in such Summons, such Time not being more than Fourteen Days after such Application nor less than Seven Days from the Service of such Summons; and on the Appearance of the Parties, or in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such Sheriff to determine summarily which of the said Lands shall be used by the Company for the Purposes aforesaid, and to authorize the Company to occupy and use the same accordingly.

Power to the Sheriff to summon other Owners before him.

XXXI. If in the Case last mentioned it shall appear to such Sheriff, upon the Inquiry before him, that the Lands of any other Party not summoned before him, being sufficient in Quantity, and such as the Company are herein-before authorized to take or use for the Purposes aforesaid, would be more fitting to be used by the Company than the Lands of the Person who shall have been so summoned as aforesaid, it shall be lawful for the said Sheriff to adjourn such Inquiry, and to summon such other Person to appear before him at any Time, not being more than Fourteen Days from such

such Inquiry nor less than Seven Days from the Service of such Summons; and on the Appearance of the Parties, or, in the Absence of any of them, on Proof of due Service of the Summons, it shall be lawful for such Sheriff to determine finally which Lands shall be used for the Purposes aforesaid, and to authorize the Company to occupy and use the same accordingly. *Temporary Use of Lands.*

XXXII. Before entering, under the Provisions herein-before contained, upon any such Lands as shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials or forming Roads as aforesaid, the Company shall, if required by the Owner or Occupier thereof, Seven Days at least before the Expiration of the Notice to take such Lands as herein-before mentioned, find Two sufficient Persons, to be approved of by the Sheriff, in case the Parties differ, who shall enter into a Bond to such Owner or Occupier in a Sum to such Amount as shall be approved of by the Sheriff, in case the Parties differ, for the Payment of such Compensation as may become payable in respect of the same in manner herein mentioned. The Company to give Sureties, if required.

XXXIII. Before the Company shall use any such Lands for any of the Purposes aforesaid they shall, if required so to do by the Owner or Occupier thereof, separate the same by a sufficient Fence from the Lands adjoining thereto, with such Gates as may be required by the said Owner or Occupier for the convenient Occupation of such Lands, and shall also, to all private Roads used by them as aforesaid, put up Fences and Gates, in like Manner, in all Cases where the same may be necessary, to prevent the straying of Cattle from or upon the Lands traversed by such Roads, and in case of any Difference between the Owners or Occupiers of such Roads and Lands and the Company as to the Necessity for such Fences and Gates, such Fences and Gates as any Two Justices shall deem necessary for the Purposes aforesaid, on Application being made to them, in like Manner as herein-before is provided in respect of the Use of such Road. Company to separate the Lands before using them.

XXXIV. That if any Land shall be taken or used by the Company, under the Provisions of this or the special Act, for the Purpose of getting Materials therefrom for the Construction or Repair of the Railway or the Accommodation Works connected therewith, they shall work the same in such Manner as the Surveyor or Agent of the Owner of such Land shall direct; or, in case of Disagreement between such Surveyor or Agent and the Company, in such Manner as any Justice shall direct, on the Application of either Party, after Notice of the hearing of the Application shall have been given to the other Party. Stone Quarries, &c. to be worked as Surveyor or Owner shall direct.

XXXV. In all Cases in which the Company shall in exercise of the Powers aforesaid enter upon any Lands for the Purpose of making Spoil Banks or Side Cuttings thereon, or for obtaining therefrom Materials for the Construction or Repair of the Railway, it shall be lawful for the Owners or Occupiers of such Lands, or Parties having such Interests therein as, under the Provisions in the said Lands Clauses Consolidation Act mentioned, are capable of being by them Owners of Lands may compel Company to purchase Lands so temporarily occupied.

Temporary Use of Lands.

them sold or conveyed to the Company, at any Time during the Possession of any such Lands by the Company, and before such Owners or Occupiers shall have accepted Compensation from the Company in respect of such temporary Occupation, to serve a Notice in Writing on the Company requiring them to purchase the said Lands, or Interests therein capable of being sold and conveyed by them respectively; and in such Notice such Owners or Occupiers shall set forth the Particulars of such their Interest in such Lands, and the Amount of their Claim in respect thereof; and the Company shall thereupon be bound to purchase the said Lands, or the Interest therein capable of being sold and conveyed by the Parties serving such Notice.

Compensation to be made for temporary Occupation.

XXXVI. In any of the Cases aforesaid, where the Company shall not be required to purchase such Lands, and in all other Cases where they shall take temporary Possession of Lands by virtue of the Powers herein or in the special Act granted, it shall be incumbent on the Company, within One Month after their Entry upon such Lands, upon being required so to do, to pay to the Occupier of the said Lands the Value of any Crop or Dressing that may be thereon, as well as full Compensation for any other Damage of a temporary Nature which he may sustain by reason of their so taking possession of his Lands, and shall also from Time to Time during their Occupation of the said Lands pay half-yearly to such Occupier or to the Owner of the Lands, as the Case may require, a Rent, to be fixed by the Sheriff, in case the Parties differ, and shall also within Six Months after they shall have ceased to occupy the said Lands, and not later than Six Months after the Expiration of the Time by the special Act limited for the Completion of the Railway, pay to such Owner and Occupier, or deposit in the Bank for the Benefit of all Parties interested, as the Case may require, Compensation for all permanent or other Loss, Damage, or Injury that may have been sustained by them by reason of the Exercise, as regards the said Lands, of the Powers herein or in the special Act granted, including the full Value of all Clay, Stone, Gravel, Sand, and other Things taken from such Lands.

Compensation to be ascertained under the Lands Clauses Act.

XXXVII. The Amount and Application of the Purchase Money and other Compensation payable by the Company in any of the Cases aforesaid shall be determined in the Manner provided by the said Lands Clauses Consolidation Act for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof.

Lands for additional Stations.

Land to be taken for additional Stations, &c.

XXXVIII. And be it enacted, That it shall be lawful for the Company, in addition to the Lands authorized to be compulsorily taken by them under the Powers of this or the special Act, to contract with any Party willing to sell the same for the Purchase of any Land adjoining or near to the Railway, or to any other Railway communicating therewith, and on which the Traffic thereupon may pass, and in any Town or City adjoining to or near such Railways, not exceeding in the whole the prescribed Number of Acres for extraordinary Purposes; (that is to say,)

For

Lands for additional Stations.

For the Purpose of making and providing additional Stations, Yards, Wharfs, and Places for the Accommodation of Passengers, and for receiving, depositing, and loading or unloading Goods or Cattle to be conveyed upon the Railway, and for the Erection of Weighing Machines, Toll Houses, Offices, Warehouses, and other Buildings and Conveniences;

For the Purpose of making convenient Roads or Ways to the Railway, or any other Purpose which may be requisite or convenient for the Formation or Use of the Railway.

Crossing of Roads, and Construction of Bridges.

And with respect to the crossing of Roads, or other Interference therewith, be it enacted as follows:

Crossing of Roads.

XXXIX. If the Line of the Railway cross any Turnpike Road or public Highway, then, except where otherwise provided by the special Act, either such Road shall be carried over the Railway, or the Railway shall be carried over such Road, by means of a Bridge, of the Height and Width and with the Ascent or Descent by this or the special Act in that Behalf provided; and such Bridge, with the immediate Approaches, and all other necessary Works connected therewith, shall be executed and at all Times thereafter maintained at the Expence of the Company: Provided always, that, with the Consent of the Sheriff or Two or more Justices, as after mentioned, it shall be lawful for the Company to carry the Railway across any Highway, other than a public Carriage Road, on the Level.

Provision in Cases where Roads are crossed on a Level.

XL. If the Railway cross any Turnpike Road or public Carriage Road on a Level, the Company shall erect and at all Times maintain good and sufficient Gates across such Road, on each Side of the Railway where the same shall communicate therewith, and shall employ proper Persons to open and shut such Gates; and such Gates shall be kept constantly closed across such Road on both Sides of the Railway, except during the Time when Horses, Cattle, Carts, or Carriages passing along the same shall have to cross such Railway; and such Gates shall be of such Dimensions and so constructed as when closed to fence in the Railway, and prevent Cattle or Horses passing along the Road from entering upon the Railway; and the Person intrusted with the Care of such Gates shall cause the same to be closed as soon as such Horses, Cattle, Carts, or Carriages shall have passed through the same, under a Penalty of Forty Shillings for every Default therein: Provided always, that it shall be lawful for the Board of Trade, in any Case in which they are satisfied that it will be more conducive to the public Safety that the Gates on any level Crossing over any such Road should be kept closed across the Railway, to order that such Gates shall be kept so closed, instead of across the Road, and in such Case such Gates shall be kept constantly closed across the Railway, except when Engines or Carriages passing along the Railway shall have Occasion to cross such Road, in the same Manner and under the like Penalty as above directed with respect to the Gates being kept closed across the Road.

XLI. Where

As to crossing of Turnpike Roads adjoining Stations.

XLI. Where the Railway crosses any Turnpike Road on a Level adjoining to a Station, all Trains on the Railway shall be made to slacken their Speed before arriving at such Turnpike Road, and shall not cross the same at any greater Rate of Speed than Four Miles an Hour; and the Company shall be subject to all such Rules and Regulations with regard to such Crossings as may from Time to Time be made by the Board of Trade.

Construction of Bridges over Roads.

XLII. Every Bridge to be erected for the Purpose of carrying the Railway over any Road, except as otherwise provided by the special Act, shall be built in conformity with the following Regulations; (that is to say,)

The Width of the Arch shall be such as to leave thereunder a clear Space of not less than Thirty-five Feet if the Arch be over a Turnpike Road, and of Twenty-five Feet if over a public Carriage Road, and of Twelve Feet if over a private Road:

The clear Height of the Arch from the Surface of the Road shall be not less than Sixteen Feet for a Space of Twelve Feet if the Arch be over a Turnpike Road, and Fifteen Feet for a Space of Ten Feet if over a public Carriage Road; and in each of such Cases the clear Height at the springing of the Arch shall not be less than Twelve Feet:

The clear Height of the Arch for a Space of Nine Feet shall not be less than Fourteen Feet over a private Carriage Road:

The Descent made in the Road in order to carry the same under the Bridge shall not be more than One Foot in Thirty Feet if the Bridge be over a Turnpike Road, One Foot in Twenty Feet if over a public Carriage Road, and One Foot in Sixteen Feet if over a private Carriage Road, not being a Tramroad or Railroad, or if the same be a Tramroad or Railroad the Descent shall not be greater than the prescribed Rate of Inclination, and if no Rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

Construction of Bridges over Railway.

XLIII. Every Bridge erected for carrying any Road over the Railway shall, except as otherwise provided by the special Act, be built in conformity with the following Regulations; (that is to say,)

There shall be a good and sufficient Fence on each Side of the Bridge of not less Height than Four Feet, and on each Side of the immediate Approaches of such Bridge of not less than Three Feet:

The Road over the Bridge shall have a clear Space between the Fences thereof of Thirty-five Feet if the Road be a Turnpike Road, and Twenty-five Feet if a public Carriage Road, and Twelve Feet if a private Road:

The Ascent shall not be more than One Foot in Thirty Feet if the Road be a Turnpike Road, One Foot in Twenty Feet if a public Carriage Road, and One Foot in Sixteen Feet if a private Carriage Road, not being a Tramroad or Railroad, or if the same be a Tramroad or Railroad the Ascent shall not be greater than the prescribed Rate of Inclination, and if no Rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

XLIV. Provided always, That in all Cases where the average available Width for the Passage of Carriages of any existing Roads within Fifty Yards of the Points of crossing the same is less than the Width herein-before prescribed for Bridges over or under the Railway, the Width of such Bridges need not be greater than such average available Width of such Roads, but so nevertheless, that such Bridges be not of less Width, in the Case of a Turnpike Road or public Carriage Road, than Twenty Feet: Provided also, that if at any Time after the Construction of the Railway the average available Width of any such Road shall be increased beyond the Width of such Bridge on either Side thereof, the Company shall be bound, at their own Expence, to increase the Width of the said Bridge to such Extent as they may be required by the Trustees or Surveyors of such Road, not exceeding the Width of such Road as so widened, or the maximum Width herein or in the special Act prescribed for a Bridge in the like Case over or under the Railway.

The Width of the Bridges need not exceed the Width of Road in certain Cases.

XLV. Provided also, That if the mesne Inclination of any Road within Two hundred and fifty Yards of the Point of crossing the same, or the Inclination of such Portion of any Road as may require to be altered, or for which another Road shall be substituted, shall be steeper than the Inclination herein-before required to be preserved by the Company, then the Company may carry any such Road over or under the Railway, or may construct such altered or substituted Road at an Inclination not steeper than the said mesne Inclination of the Road so to be crossed, or of the Road so requiring to be altered, or for which another Road shall be substituted.

Existing Inclinations of Roads crossed or diverted need not be improved.

XLVI. If, in the Exercise of the Powers by this or the special Act granted, it be found necessary to cross, cut through, raise, sink, or use any Part of any Road, whether Carriage Road, Horse Road, Tramroad, or Railway, either public or private, so as to render it impassable for or dangerous to Passengers or Carriages, or to the Persons entitled to the Use thereof, the Company shall, before the Commencement of any such Operations, cause a sufficient Road to be made instead of the Road to be interfered with, and shall at their own Expence maintain such substituted Road in a State as convenient for Passengers and Carriages as the Road so interfered with, or as nearly so as may be.

Before Roads interfered with, others to be substituted.

XLVII. If the Company do not cause another sufficient Road to be so made before they interfere with any such existing Road as aforesaid they shall forfeit Twenty Pounds for every Day during which such substituted Road shall not be made after the existing Road shall have been interrupted; and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Person having the Management of such Road, if a public Road, and shall be applied for the Purposes thereof, or in case of a private Road the same shall be paid to the Owner thereof; and every such Penalty shall be recoverable, with Costs, by Action in any competent Court.

Penalty for not substituting a Road.

Party suffering Damage from Interruption of Road to recover in an Action on the Case.

XLVIII. If any Party entitled to a Right of Way over any Road so interfered with by the Company shall suffer any special Damage by reason that the Company shall fail to cause another sufficient Road to be made before they interfere with the existing Road, it shall be lawful for such Party to recover the Amount of such special Damage from the Company, with Expences, by Action in the Court of Session, if the Damage claimed exceeds Twenty-five Pounds, or in the Sheriff Court, if the Damage claimed does not exceed Twenty-five Pounds, and that whether any Party shall have sued for such Penalty as aforesaid or not, and without Prejudice to the Right of any Party to sue for the same.

Period for Restoration of Roads interfered with.

XLIX. If the Road so interfered with can be restored compatibly with the Formation and Use of the Railway, the same shall be restored to as good a Condition as the same was in at the Time when the same was first interfered with by the Company, or as near thereto as may be; and if such Road cannot be restored compatibly with the Formation and Use of the Railway, the Company shall cause the new or substituted Road, or some other sufficient substituted Road, to be put into a permanently substantial Condition, equally convenient as the former Road, or as near thereto as Circumstances will allow; and the former Road shall be restored, or the substituted Road put into such Condition as aforesaid, as the Case may be, within the following Periods after the first Operation on the former Road shall have been commenced, unless the Trustees or Parties having the Management of the Road to be restored by Writing under their Hands consent to an Extension of the Period, and in such Case within such extended Period, (that is to say,) if the Road be a Turnpike Road, within Six Months, and if the Road be not a Turnpike Road, within Twelve Months.

Penalty for failing to restore Road.

L. If any such Road be not so restored, or the substituted Road so completed as aforesaid, within the Periods herein or in the special Act fixed for that Purpose, the Company shall forfeit to the Trustees, Commissioners, Surveyor, or other Person having the Management of the Road interfered with by the Company, if a public Road, or if a private Road to the Owner thereof, Twenty Pounds for every Day after the Expiration of such Periods respectively during which such Road shall not be so restored or the substituted Road completed; and it shall be lawful for the Sheriff or Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be laid out in executing the Work in respect whereof such Penalty was incurred.

Company to repair Roads used by them.

LI. If in the course of making the Railway the Company shall use or interfere with any Road they shall from Time to Time make good all Damage done by them to such Road; and if any Question shall arise as to the Damage done to any such Road by the Company, or as to the Repair thereof by them, the same shall be determined by the Sheriff or Two Justices; and such Sheriff or Justices may direct such Repairs to be made in the State of such Road, in respect of the Damage done by the Company, and within such Period, as they think reasonable, and may impose on the Company, for not carrying

Crossing of Roads, and Construction of Bridges.

into effect such Repairs, any Penalty, not exceeding Five Pounds *per* Day, as to such Sheriff or Justices shall seem just; and such Penalty shall be paid to the Surveyor or other Person having the Management of the Road interfered with by the Company, if a public Road, and be applied for the Purposes of such Road, or if a private Road the same shall be paid to the Owner thereof: Provided always, that in determining any such Question with regard to a Turnpike Road the said Sheriff or Justices shall have regard to and make full Allowance for any Tolls that may have been paid by the Company on such Road in the course of the using thereof.

Company to make sufficient Approaches and Fences to Bridleways and Footways crossing on the Level.

LII. If the Railway shall cross any Highway other than a public Carriageway on the Level the Company shall at their own Expence make and at all Times maintain convenient Ascents and Descents and other convenient Approaches, with Handrails and other Fences, and shall, if such Highway be a Bridleway, erect and at all Times maintain good and sufficient Gates, and if the same shall be a Footway, good and sufficient Gates or Stiles on each Side of the Railway where the Highway shall communicate therewith.

Proceedings on Application to Sheriff or Justices to consent to level Crossings of Bridleways and Footways.

LIII. When the Company shall intend to apply for the Consent of the Sheriff or Two Justices, as herein-before provided, so as to authorize them to carry the Railway across any Highway other than a public Carriage Road on the Level, they shall, Fourteen Days at least previous to the Time at which such Application is intended to be made, cause Notice of such intended Application to be given in some Newspaper circulating in the County, and also to be affixed upon the Door of the Parish Church of the Parish in which such Crossing is intended to be made, or if there be no such Church some other Place to which Notices are usually affixed; and if it appear to the Sheriff, or to any Two or more Justices acting for the District in which such Highway at the proper Crossing thereof is situate, after such Notice as aforesaid, that the Railway can, consistently with a due Regard to the public Safety and Convenience, be carried across such Highway in the Level, it shall be lawful for such Sheriff or Justices to consent that the same may be so carried accordingly.

Sheriff or Justices to have Power to order Approaches and Fences to be made to Highways crossing on the Level.

LIV. If, when the Railway shall cross any Highway on the Level the Company fail to make convenient Ascents and Descents or other convenient Approaches, and such Handrails, Fences, Gates, and Stiles as they are herein-before required to make, it shall be lawful for the Sheriff or Two Justices, on the Application of the Surveyor of Roads, or of any Two Householders within the Parish or District where such Crossing shall be situate, after not less than Ten Days Notice to the Company, to order the Company to make such Ascent and Descent or other Approach, or such Handrails, Fences, Gates, or Stiles as aforesaid, within a Period to be limited for that Purpose by such Sheriff or Justices; and if the Company fail to comply with such Order they shall forfeit Five Pounds for every Day that they fail so to do; and it shall be lawful for the Sheriff or Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be applied, in such Manner and by such Person as they think

think fit, in executing the Work in respect whereof such Penalty was incurred.

Screens for Turnpike Roads.

Screen for Turnpike Road to be made, if required by the Board of Trade.

LV. If the Commissioners or Trustees of any Turnpike Road, or the Surveyor of any Highway, apprehend Danger to the Passengers on such Road in consequence of Horses being frightened by the Sight of the Engines or Carriages travelling upon the Railway, it shall be lawful for such Commissioners or Trustees or Surveyor, after giving Fourteen Days Notice to the Company, to apply to the Board of Trade with respect thereto; and if it shall appear to the said Board that such Danger might be obviated or lessened by the Construction of any Works in the Nature of a Screen near to or adjoining the Side of such Road, it shall be lawful for them, if they shall think fit, to certify the Works necessary or proper to be executed by the Company for the Purpose of obviating or lessening such Danger, and by such Certificate to require the Company to execute such Works within a certain Time after the Service of such Certificate, to be appointed by the said Board.

Penalty for failing to construct.

LVI. Where by any such Certificate as aforesaid the Company shall have been required to execute any such Work in the Nature of a Screen they shall execute and complete the same within the Period appointed for that Purpose in such Certificate, and if they fail so to do they shall forfeit to the Commissioners or Trustees or Surveyor Five Pounds for every Day during which such Works shall remain uncompleted beyond the Period so appointed for their Completion; and it shall be lawful for the Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be laid out in executing the Work in respect whereof such Penalty was incurred.

Construction or Reparation of Bridges.

Sheriff or Justices to have Power to order Repair of Bridges, &c.

LVII. Where, under the Provisions of this or the special Act, or any Act incorporated therewith, the Company are required to maintain or keep in repair any Bridge, Fence, Approach, Gate, or other Work executed by them, it shall be lawful for the Sheriff or Two Justices, on the Application of the Surveyor of Roads, or of any Two Householders of the Parish or District where such Work may be situate, complaining that any such Work is out of repair, after not less than Ten Days Notice to the Company, to order the Company to put such Work into complete Repair within a Period to be limited for that Purpose by such Sheriff or Justices; and if the Company fail to comply with such Order they shall forfeit Five Pounds for every Day that they fail so to do; and it shall be lawful for the Sheriff or Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be applied, in such Manner and by such Persons as they think fit, in putting such Work into repair.

Board of Trade empowered to modify the Construction of certain Roads, Bridges, &c. where a

LVIII. And whereas Expence might frequently be avoided, and public Convenience promoted, by a Reference to the Board of Trade upon the Construction of public Works of an engineering Nature connected with the Railway, where a strict Compliance with the Provisions of this or the special Act might be impossible, or attended with Inconvenience to the Company, and without adequate Advantage to the Public; be it enacted, That in case any Difference in regard

to

to the Construction, Alteration, or Restoration of any Road or Bridge, or other public Work of an engineering Nature, required by the Provisions of this or the special Act, shall arise between the Company and any Trustees, Commissioners, Surveyors, or other Persons having the Control of or being authorized by Law to enforce the Construction of such Road, Bridge, or Work, it shall be lawful for either Party, after giving Fourteen Days Notice in Writing of their Intention so to do to the other Party, to apply to the Board of Trade to decide upon the proper Manner of constructing, altering, or restoring such Road, Bridge, or other Work; and it shall be lawful for the Board of Trade, if they shall think fit, to decide the same accordingly, and to authorize, by Certificate in Writing, any Arrangement or Mode of Construction in regard to any such Road, Bridge, or other Work which shall appear to them either to be in substantial Compliance with the Provisions of this and the special Act, or to be calculated to afford equal or greater Accommodation to the Public using such Road, Bridge, or other Work; and after any such Certificate shall have been given by the Board of Trade the Road, Bridge, or other Work therein mentioned shall be constructed by the Company in conformity with the Terms of such Certificate, and being so constructed shall be deemed to be constructed in conformity with the Provisions of this and the special Act: Provided always, that no such Certificate shall be granted by the Board of Trade unless they shall be satisfied that existing private Rights or Interests will not be injuriously affected thereby.

Strict Compliance with the Act impossible or inconvenient.

LIX. And be it enacted, That all Regulations, Certificates, Notices, and other Documents in Writing purporting to be made or issued by or by the Authority of the Board of Trade, and signed by some Officer appointed for that Purpose by the Board of Trade, shall, for the Purposes of this and the special Act, and any Act incorporated therewith, be deemed to have been so made and issued, and that without Proof of the Authority of the Person signing the same, or of the Signature thereto, which Matters shall be presumed until the contrary be proved; and Service of any such Document, by leaving the same at one of the principal Offices of the Railway Company, or by sending the same by Post addressed to the Secretary at such Office, shall be deemed good Service upon the Company; and all Notices and other Documents required by this or the special Act to be given to or laid before the Board of Trade shall be delivered at, or sent by Post addressed to, the Office of the Board of Trade in *London*.

Authentication of Certificates of the Board of Trade, Service of Notices, &c.

Works for Accomodation and Protection of Lands.

And with respect to Works for the Accommodation of Lands adjoining the Railway, be it enacted as follows:

LX. The Company shall make and at all Times thereafter maintain the following Works for the Accommodation of the Owners and Occupiers of Lands adjoining the Railway; (that is to say,)

Such and so many convenient Gates, Bridges, Arches, Culverts, and Passages over, under, or by the Sides of or leading to or from the Railway as shall be necessary for the Purpose of making good any Interruptions caused by the Railway to the

Works to be erected for the Accommodation of adjoining Lands.

Gates, Bridges, &c.:

Works for Accomodation and Protection of Lands.

Use of the Lands through which the Railway shall be made; and such Works shall be made forthwith after the Part of the Railway passing over such Lands shall have been laid out or formed, or during the Formation thereof:

Fences:

Also sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences for separating the Land taken for the Use of the Railway from the adjoining Lands not taken, and protecting such Lands from Trespass, or the Cattle of the Owners or Occupiers thereof from straying thereout, by reason of the Railway, together with all necessary Gates made to open towards such adjoining Lands, and not towards the Railway, and all necessary Stiles; and such Posts, Rails, and other Fences shall be made forthwith after the taking of any such Lands, if the Owners thereof shall so require, and the said other Works as soon as conveniently may be:

Drains:

Also all necessary Arches, Tunnels, Culverts, Drains, or other Passages, either over or under or by the Sides of the Railway, of such Dimensions as will be sufficient at all Times to convey the Water as clearly from the Lands lying near or affected by the Railway as before the making of the Railway, or as nearly so as may be; and such Works shall be made from Time to Time as the Railway Works proceed:

Watering Places.

Also proper Watering Places for Cattle where by reason of the Railway the Cattle of any Person occupying any Lands lying near thereto shall be deprived of Access to their former Watering Places; and such Watering Places shall be so made as to be at all Times as sufficiently supplied with Water as theretofore, and as if the Railway had not been made, or as nearly so as may be; and the Company shall make all necessary Watercourses and Drains for the Purpose of conveying Water to the said Watering Places:

Provided always, that the Company shall not be required to make such Accommodation Works in such a Manner as would prevent or obstruct the working or using of the Railway, and that the Company may, in lieu of such Accommodation Works, make Compensation to the Owners and Occupiers of the Lands, for the Want thereof, in such Manner as may be agreed upon between the Company and such Owners and Occupiers, nor to make any Accommodation Works with respect to which the Owners, Lessees, and Occupiers of the Lands shall have agreed to receive and shall have been paid Compensation instead of the making of them.

Differences as to Accommodation Works to be settled by Sheriff or Justices.

LXI. If any Difference arise respecting the Kind or Number of any such Accommodation Works, or the Dimensions or Sufficiency thereof, or respecting the maintaining thereof, the same shall be determined by the Sheriff or Two Justices; and such Sheriff or Justices shall also appoint the Time within which such Works shall be commenced and executed by the Company.

Execution of Works by Owners on default by the Company.

LXII. If for Seven Days next after the Time appointed by such Sheriff or Justices for the Commencement of any such Works the Company shall fail to commence such Works, or having commenced shall fail to proceed diligently to execute the same in a sufficient Manner, it shall be lawful for the Party aggrieved by such Failure himself

himself to execute such Works or Repairs; and the reasonable Expences thereof shall be repaid by the Company to the Party by whom the same shall so have been executed; and if there be any Dispute about such Expences the same shall be settled by the Sheriff or Two Justices: Provided always, that no such Owner or Occupier or other Person shall obstruct or injure the Railway, or any of the Works connected therewith, for a longer Time, nor use them in any other Manner, than is unavoidably necessary for the Execution or Repair of such Accommodation Works.

Works for Accomodation and Protection of Lands.

LXIII. If any of the Owners or Occupiers of Lands affected by such Railway shall consider the Accommodation Works made by the Company, or directed by such Sheriff or Justices to be made by the Company, insufficient for the commodious Use of their respective Lands, it shall be lawful for any such Owner or Occupier, at his own Expence, to make such further Works for that Purpose as he shall think necessary, and as shall be agreed to by the Company, or, in case of Difference, as shall be authorized by the Sheriff or Two Justices.

Power to Owners of Land to make additional Accommodation Works.

LXIV. If the Company so desire, all such last-mentioned Accommodation Works shall be constructed under the Superintendence of their Engineer, and according to Plans and Specifications to be submitted to and approved by such Engineer; nevertheless the Owners or Occupiers of Lands shall not be entitled to require either that Plans should be adopted which would involve a greater Expence than that incurred in the Execution of similar Works by the Company, or that the Plans selected should be executed in a more expensive Manner than that adopted in similar Cases by the Company.

Works to be constructed under the Superintendence of the Company's Engineer.

LXV. The Company shall not be compelled to make any further or additional Accommodation Works for the Use of Owners and Occupiers of Land adjoining the Railway after the Expiration of the prescribed Period, or, if no Period be prescribed, after Five Years from the opening of the Railway for public Use.

Accommodation Works not to be required after Five Years.

LXVI. Until the Company shall have made the Bridges or other proper Communications which they shall under the Provisions herein or in the special Act, or any Act incorporated therewith, contained, have been required to make between Lands intersected by the Railway, and no longer, the Owners and Occupiers of such Lands, and any other Persons whose Right of Way shall be affected by the Want of such Communication, and their respective Servants, may at all Times freely pass and repass, with Carriages, Horses, and other Animals, directly (but not otherwise) across the Part of the Railway made in or through their respective Lands, solely for the Purpose of occupying the same Lands, or for the Exercise of such Right of Way, and so as not to obstruct the Passage along the Railway, or to damage the same; nevertheless, if the Owner or Occupier of any such Lands have in his Arrangements with the Company received or agreed to receive Compensation for or on account of any such Communications, instead of the same being formed, such Owner or Occupier, or those claiming under him, shall not be entitled so to cross the Railway.

Owners to be allowed to cross until Accommodation Works made.

LXVII. During

Materials, &c. to vest in Company for Purposes of Prosecution.

LXVII. During the Execution of any Contract made with the Company the Works in course of being done under such Contract, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contract, shall, in all Proceedings instituted by them for the Purpose of protecting the same, or by the public Prosecutor for the Purpose of Punishment on account of Offences committed against the same, be held to be the Property of the Company.

Penalty on Persons omitting to fasten Gates.

LXVIII. If any Person omit to shut and fasten any Gate set up at either Side of the Railway, for the Accommodation of the Owners or Occupiers of the adjoining Lands, as soon as he, and the Carriage, Cattle or other Animals, under his Care, have passed through the same, he shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

Branch Railways.

Power to Parties to make private Branch Railways communicating with the Railway. 5 & 6 Vict. c. 55.

LXIX. And be it enacted, That this or the special Act shall not prevent the Owners or Occupiers of Lands adjoining to the Railway, or any other Persons, from laying down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such Persons, any collateral Branches of Railway to communicate with the Railway, for the Purpose of bringing Carriages to or from or upon the Railway, but under and subject to the Provisions and Restrictions of an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and the Company shall, if required, at the Expence of such Owners and Occupiers and other Persons, and subject also to the Provisions of the said last-mentioned Act, make Openings in the Rails, and such additional Lines of Rail as may be necessary for effecting such Communication, in Places where the Communication can be made with Safety to the Public, and without Injury to the Railway, and without Inconvenience to the Traffic thereon; and the Company shall not take any Rate or Toll or other Monies for the passing of any Passengers, Goods, or other Things along any Branch so to be made by any such Owner or Occupier or other Person; but this Enactment shall be subject to the following Restrictions and Conditions; (that is to say,)

Restrictions and Conditions.

No such Branch Railway shall run parallel to the Railway:

The Company shall not be bound to make any such Openings in any Place which they shall have set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane or Bridge, nor in any Tunnel:

The Persons making or using such Branch Railways shall be subject to all Bye Laws and Regulations of the Company from Time to Time made with respect to passing upon or crossing the Railway, and otherwise; and the Persons making or using such Branch Railways shall be bound to construct, and from Time to Time, as Need may require, to renew, the offset Plates and Switches according to the most approved Plan adopted by the Company, and under the Direction of their Engineer.

And with respect to Mines lying under or near the Railway, be it enacted as follows: *Working of Mines.*

Promoters of the Undertaking not to be entitled to Minerals.

LXX. The Company shall not be entitled to any Mines of Coal, Ironstone, Slate, or other Minerals under any Land purchased by them, except only such Parts thereof as shall be necessary to be dug or carried away or used in the Construction of the Works, unless the same shall have been expressly purchased; and all such Mines, excepting as aforesaid, shall be deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein and conveyed thereby.

Mines lying near the Railway not to be worked if the Company willing to purchase them.

LXXI. If the Owner, Lessee, or Occupier of any Mines or Minerals lying under the Railway, or any of the Works connected therewith, or within the prescribed Distance, or, where no Distance shall be prescribed, Forty Yards therefrom, be desirous of working the same, such Owner, Lessee, or Occupier shall give to the Company Notice in Writing of his Intention so to do Thirty Days before the Commencement of working; and upon the Receipt of such Notice it shall be lawful for the Company to cause such Mines to be inspected by any Person appointed by them for the Purpose; and if it appear to the Company that the working of such Mines, either wholly or partially, is likely to damage the Works of the Railway, and if the Company be desirous that such Mines or any Parts thereof should be left unworked, and if they be willing to make Compensation for such Mines or Minerals, or such Parts thereof as they desire to be left unworked, they shall give Notice to such Owner, Lessee, or Occupier of such their Desire, and shall in such Notice specify the Parts of the Mines under the Railway or Works or within the Distance aforesaid which they shall desire to be left unworked, and for which they shall be willing to make Compensation; and in such Case such Owner, Lessee, or Occupier shall not work or get the Mines or Minerals comprised in such Notice; and the Company shall make Compensation for the same, and for all Loss or Damage occasioned by the non-working thereof, to the Owner, Lessee, and Occupier thereof respectively; and if the Company, and such Owner, Lessee, or Occupier, do not agree as to the Amount of such Compensation, the same shall be settled as in other Cases of disputed Compensation.

If Company unwilling to purchase, Owner may work the Mines.

LXXII. If before the Expiration of such Thirty Days the Company do not give Notice of their Desire to have such Mines left unworked, and of their Willingness to make such Compensation as aforesaid, it shall be lawful for such Owner, Lessee, or Occupier to work the said Mines, or such Parts thereof for which the Company shall not have agreed to pay Compensation, up to the Limits of the Mines or Minerals for which they shall have agreed to make Compensation, in such Manner as such Owner, Lessee, or Occupier shall think fit, for the Purpose of getting the Minerals contained therein; and if any Damage or Obstruction be occasioned to the Railway or Works by the working or getting of any such Minerals which the Company shall so have required to be left unworked, and for which they shall so have agreed to make Compensation, the same shall be forthwith repaired or removed, as the Case may require, and such Damage made good,

Working of Mines.

by the Owner, Lessee, or Occupier of such Mines or Minerals, and at his own Expence; and if such Repair or Removal be not forthwith done, or, if the Company shall so think fit, without waiting for the same to be done by such Owner, Lessee, or Occupier, it shall be lawful for the Company to execute the same, and recover from such Owner, Lessee, or Occupier the Expence occasioned thereby by Action in any competent Court.

Mining Communications.

LXXIII. If the working of any such Mines or Minerals under the Railway or Works, or within the above-mentioned Distance therefrom, be prevented as aforesaid by reason of apprehended Injury to the Railway, it shall be lawful for the respective Owners, Lessees, and Occupiers of such Mines, and whose Mines shall extend so as to be on both Sides of the Railway, to cut and make such and so many Airways, Headways, Gateways, or Water Levels through the Mines, Measures, or Strata the working whereof shall be so prevented as may be requisite to enable them to ventilate, drain, and work their said Mines; but no such Airway, Headway, Gateway, or Water Level shall be of greater Dimensions or Section than the prescribed Dimensions and Sections, and where no Dimensions shall be prescribed not greater than Eight Feet wide and Eight Feet high, nor shall the same be cut or made upon any Part of the Railway or Works, or so as to injure the same, or to impede the Passage thereon.

Company to make Compensation for Injury done to Mines;

LXXIV. The Company shall from Time to Time pay to the Owner, Lessee, or Occupier of any such Mines extending so as to be on both Sides of the Railway all such additional Expences and Losses as shall be incurred by such Owner, Lessee, or Occupier by reason of the Severance of the Lands lying over such Mines by the Railway, or of the continuous working of such Mines being interrupted as aforesaid, or by reason of the same being worked in such Manner and under such Restrictions as not to prejudice or injure the Railway, and for any Minerals not purchased by the Company which cannot be obtained by reason of making and maintaining the Railway; and if any Dispute or Question shall arise between the Company, and such Owner, Lessee, or Occupier as aforesaid, touching the Amount of such Losses or Expences, the same shall be settled as in other Cases of disputed Compensation.

and also for any Airway or other Work made necessary by the Railway.

LXXV. If any Loss or Damage be sustained by the Owner or Occupier of the Lands lying over any such Mines the working whereof shall have been so prevented as aforesaid (and not being the Owner, Lessee, or Occupier of such Mines), by reason of the making of any such Airway or other Work as aforesaid, which or any like Work would not have been necessary to be made but for the working of such Mines having been so prevented as aforesaid, the Company shall make full Compensation to such Owner or Occupier of the Surface Lands for the Loss or Damage so sustained by him.

Power to the Company to enter and

LXXVI. For better ascertaining whether any such Mines are being worked or have been worked so as to damage the Railway

or

or Works, it shall be lawful for the Company, after giving Twenty-four Hours Notice in Writing, to enter upon any Lands through or near which the Railway passes wherein any such Mines are being worked or are supposed so to be, and to enter into and return from any such Mines or the Works connected therewith; and for that Purpose it shall be lawful for them to make use of any Apparatus or Machinery connected with such Mines belonging to the Owner, Lessee, or Occupier of such Mines upon Payment of the reasonable Cost of using and working the same, and of any Loss thereby occasioned to the working of the Mines, or otherwise, and to use all necessary Means for discovering the Distance from the Railway to the Parts of such Mines which are being worked or about so to be. inspect the working of Mines.

LXXVII. If any such Owner, Lessee, or Occupier of any such Mine shall refuse to allow any Person appointed by the Company for that Purpose to enter into and inspect any such Mines or Works in manner aforesaid, every Person so offending shall for every such Refusal forfeit to the Company a Sum not exceeding Twenty Pounds. Penalty for Refusal to allow Inspection.

LXXVIII. If it appear that any such Mines have been worked contrary to the Provisions of this or the special Act, the Company may, if they think fit, give Notice to the Owner, Lessee, or Occupier thereof to construct such Supports or Works, and to adopt such Means as may be necessary or proper for making safe the Railway, and preventing Injury thereto; and if after such Notice any such Owner, Lessee, or Occupier do not forthwith proceed to construct the Works necessary for making safe the Railway, the Company may themselves construct such Works, and recover the Expence thereof from such Owner, Lessee, or Occupier by Action in any competent Court. If Mines improperly worked, Supports to be made.

And with respect to the carrying of Passengers and Goods upon the Railway, and the Tolls to be taken thereon, be it enacted as follows: *Passengers and Goods on Railway.*

LXXIX. It shall be lawful for the Company to use and employ locomotive Engines or other moving Power, and Carriages and Waggons to be drawn or propelled thereby, and to carry and convey upon the Railway all such Passengers and Goods as shall be offered to them for that Purpose, and to make such reasonable Charges in respect thereof as they may from Time to Time determine upon, not exceeding the Tolls by the special Act authorized to be taken by them. Company to employ locomotive Power, Carriages, &c.

LXXX. It shall be lawful for the Company from Time to Time to enter into any Contract with any other Company, being the Owners or Lessees or in possession of any other Railway, for the Passage over or along the Railway by the special Act authorized to be made of any Engines, Coaches, Waggons, or other Carriages of any other Company, or which shall pass over any other Line of Railway, or for the Passage over any other Line of Railway of any Company empowered to contract with other Companies.

Passengers and Goods on Railway.

any Engines, Coaches, Waggons, or other Carriages of the Company, or which shall pass over their Line of Railway, upon the Payment of such Tolls and under such Conditions and Restrictions as may be mutually agreed upon; and for the Purpose aforesaid it shall be lawful for the respective Parties to enter into any Contract for the Division or Apportionment of the Tolls to be taken upon their respective Railways.

Contract not to affect Persons not Parties to it.

LXXXI. Provided always, That no such Contract as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the respective Companies, Parties to such Contracts, shall for the Time being be respectively authorized and entitled to demand or receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of any of the said Railways, upon the same Terms and Conditions, and on Payment of the same Tolls, as they would have been in case no such Contract had been entered into.

Company not to be liable to a greater Extent than Common Carriers.

LXXXII. Nothing in this or the special Act contained shall extend to charge or make liable the Company further or in any other Case than where, according to the Laws of *Scotland*, Stage Coach Proprietors and Common Carriers would be liable, nor shall extend in any Degree to deprive the Company of any Protection or Privilege which Common Carriers or Stage Coach Proprietors may be entitled to; but, on the contrary, the Company shall at all Times be entitled to the Benefit of every such Protection and Privilege.

Power to vary Tolls under like Circumstances.

LXXXIII. And whereas it is expedient that the Company should be enabled to vary the Tolls upon the Railway so as to accommodate them to the Circumstances of the Traffic, but that such Power of varying should not be used for the Purpose of prejudicing or favouring particular Parties, or for the Purpose of collusively and unfairly creating a Monopoly, either in the Hands of the Company or of particular Parties; it shall be lawful therefore for the Company, subject to the Provisions and Limitations herein and in the special Act contained, from Time to Time to alter or vary the Tolls by the special Act authorized to be taken, either upon the whole or upon any particular Portions of the Railway, as they shall think fit; provided that all such Tolls be at all Times charged equally to all Persons, and after the same Rate, whether *per* Ton *per* Mile or otherwise, in respect of all Passengers, and of all Goods or Carriages of the same Description, and conveyed or propelled by a like Carriage or Engine passing only over the same Portion of the Line of Railway under the same Circumstances; and no Reduction or Advance in any such Tolls shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the Railway.

Tolls to be charged equally under like Circumstances.

How Tolls to be calculated where Rail-

LXXXIV. And whereas Authority has been given by various Acts of Parliament to Railway Companies to demand Tolls for the Conveyance of Passengers and Goods and for other Services over a

Fraction of a Mile equal to the Toll which they are authorized to demand for One Mile; be it enacted, That in Cases in which any Railway shall be amalgamated with any other adjoining Railway or Railways such Tolls shall be calculated and imposed at such Rates as if such amalgamated Railways had originally formed One Line of Railway. ways are amalgamated.

LXXXV. It shall not be lawful for the Company at any Time to demand or take a greater Amount of Toll, or make any greater Charge for the Carriage of Passengers or Goods, than they are by this and the special Act authorized to demand; and upon Payment of the Tolls from Time to Time demandable all Companies and Persons shall be entitled to use the Railway, with Engines and Carriages properly constructed as by this and the special Act directed, subject nevertheless to the Provisions and Restrictions of the said Act of the Sixth Year of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*, and to the Regulations to be from Time to Time made by the Company by virtue of the Powers in that Behalf hereby and by the special Act conferred upon them Railway to be free on Payment of Tolls. 5 & 6 Vict. c. 55.

LXXXVI. A List of all the Tolls authorized by the special Act to be taken, and which shall be exacted by the Company, shall be published by the same being painted upon One Toll Board or more in distinct Black Letters on a White Ground, or White Letters on a Black Ground, or by the same being printed in legible Characters on Paper affixed to such Board, and by such Board being exhibited in some conspicuous Place on the Stations or Places where such Tolls shall be made payable. *Collection Tolls.* List of Tolls to be exhibited on a Board.

LXXXVII. The Company shall cause the Length of the Railway to be measured, and Posts or other conspicuous Objects to be set up and maintained along the whole Line thereof, at the Distance of One Quarter of a Mile from each other, with Numbers or Marks inscribed thereon denoting such Distances. Milestones.

LXXXVIII. No Tolls shall be demanded or taken by the Company for the Use of the Railway during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited, or at which the Milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any Person wilfully pull down, deface, or destroy any such Board or Milestone he shall forfeit a Sum not exceeding Five Pounds for every such Offence. Tolls to be taken only whilst Board exhibited and Milestones set up.

LXXXIX. The Tolls shall be paid to such Persons, and at such Places upon or near to the Railway, and in such Manner and under such Regulations, as the Company shall, by Notice to be annexed to the List of Tolls, appoint. Tolls to be paid as directed by the Company.

XC. If, on demand, any Person fail to pay the Tolls due in respect of any Carriage or Goods, it shall be lawful for the Company to detain and sell such Carriage, or all or any Part of such Goods, In default of Payment of Tolls, Goods, &c. may be

detained and sold.

Goods, or, if the same shall have been removed from the Premises of the Company, to detain and sell any other Carriages or Goods within such Premises belonging to the Party liable to pay such Tolls, and out of the Monies arising from such Sale to retain the Tolls payable as aforesaid, and all Charges and Expences of such Detention and Sale, rendering the Overplus, if any, of the Monies arising by such Sale, and such of the Carriages or Goods as shall remain unsold, to the Person entitled thereto, or it shall be lawful for the Company to recover any such Tolls by Action at Law.

Account of Lading, &c. to be given.

XCI. Every Person being the Owner or having the Care of any Carriage or Goods passing or being upon the Railway shall, on demand, give to the Collector of Tolls, at the Places where he attends for the Purpose of receiving Goods or of collecting Tolls for the Part of the Railway on which such Carriage or Goods may have travelled or be about to travel, an exact Account in Writing signed by him of the Number or Quantity of Goods conveyed by any such Carriage, and of the Point on the Railway from which such Carriage or Goods have set out or are about to set out, and at what Point the same are intended to be unloaded or taken off the Railway; and if the Goods conveyed by any such Carriage, or brought for Conveyance as aforesaid, be liable to the Payment of different Tolls, then such Owner or other Person shall specify the respective Numbers or Quantities thereof liable to each or any of such Tolls.

Penalty for not giving Account of Lading.

XCII. If any such Owner or other such Person fail to give such Account, or to produce his Way-bill or Bill of Lading, to such Collector or other Officer or Servant of the Company demanding the same, or if he give a false Account, or if he unload or take off any Part of his Lading or Goods at any other Place than shall be mentioned in such Account, with Intent to avoid the Payment of any Tolls payable in respect thereof, he shall for every such Offence forfeit to the Company a Sum not exceeding Ten Pounds for every Ton of Goods, or for any Parcel not exceeding One Hundred Weight, and so in proportion for any less Quantity of Goods than One Ton, or for any Parcel exceeding One Hundred Weight, (as the Case may be,) which shall be upon any such Carriage; and such Penalty shall be in addition to the Toll to which such Goods may be liable.

Disputes as to Amount of Tolls chargeable.

XCIII. If any Dispute arise concerning the Amount of the Tolls due to the Company, or concerning the Charges occasioned by any Detention or Sale thereof under the Provisions herein or in the special Act contained, the same shall be settled by the Sheriff or by Two Justices; and it shall be lawful for the Company in the meanwhile to detain the Goods, or (if the Case so require) the Proceeds of the Sale thereof.

Differences as to Weights, &c.

XCIV. If any Difference arise between any Toll Collector or other Officer or Servant of the Company and any Owner of or Person having the Charge of any Carriage passing or being upon the Railway, or of any Goods conveyed or to be conveyed by such Carriage, respecting the Weight, Quantity, Quality, or Nature of such Goods, such Collector or other Officer may lawfully detain such Carriage

Carriage or Goods, and examine, weigh, gauge, or otherwise measure the same; and if upon such measuring or Examination such Goods appear to be of greater Weight or Quantity or of other Nature than shall have been stated in the Account given thereof, then the Person who shall have given such Account shall pay, and the Owner of such Carriage, or the respective Owners of such Goods, shall also, at the Option of the Company, be liable to pay the Costs of such measuring and examining; but if such Goods appear to be of the same or less Weight or Quantity than and of the same Nature as shall have been stated in such Account, then the Company shall pay such Costs, and they shall also pay to such Owner of or Person having Charge of such Carriage, and to the respective Owners of such Goods, such Damage (if any) as shall appear to the Sheriff or any Two Justices, on a summary Application to him or them for that Purpose, to have arisen from such Detention. *Collection of Tolls.*

XCV. If at any Time it be made to appear to any such Sheriff or Justices, upon the Complaint of the Company, that any such Detention, measuring, or examining of any Carriage or Goods, as herein-before mentioned, was without reasonable Ground, or that it was vexatious on the Part of such Collector or other Officer, then the Collector or other Officer shall himself pay the Costs of such Detention and measuring, and the Damage occasioned thereby; and in default of immediate Payment of any such Costs or Damage the same may be recovered by Poinding and Sale of the Goods of such Collector, and such Sheriff or Justices shall issue his or their Warrant accordingly. Toll Collector to be liable for wrongful Detention of Goods.

XCVI. If any Person travel or attempt to travel in any Carriage of the Company, or of any other Company or Party using the Railway, without having previously paid his Fare, and with Intent to avoid Payment thereof, or if any Person, having paid his Fare for a certain Distance, knowingly and wilfully proceed in any such Carriage beyond such Distance without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof, or if any Person knowingly and wilfully refuse or neglect, on arriving at the Point to which he has paid his Fare, to quit such Carriage, every such Person shall for every such Offence forfeit to the Company a Sum not exceeding Forty Shillings. Penalty on Passengers practising Frauds on the Company.

XCVII. If any Person be discovered, either in or after committing or attempting to commit any such Offence as in the preceding Enactment mentioned, all Officers and Servants and other Persons on behalf of the Company, or such other Company or Party as aforesaid, and all Constables, Gaolers, and Peace Officers, may lawfully apprehend and detain such Person until he can conveniently be taken before the Sheriff or some Justice, or until he be otherwise discharged by due Course of Law. Detention of Offenders.

XCVIII. No Person shall be entitled to carry, or to require the Company to carry, upon the Railway, any Aquafortis, Oil of Vitriol, Gunpowder, Lucifer Matches, or any other Goods which in the Judgment Penalty for bringing dangerous Goods on Railway.

Collection of Tolls.

Judgment of the Company may be of a dangerous Nature; and if any Person send by the Railway any such Goods without distinctly marking their Nature on the Outside of the Package containing the same, or otherwise giving Notice in Writing to the Book-keeper or other Servant of the Company with whom the same are left, at the Time of so sending, he shall forfeit to the Company Twenty Pounds for every such Offence; and it shall be lawful for the Company to refuse to take any Parcel that they may suspect to contain Goods of a dangerous Nature, or require the same to be opened to ascertain the Fact.

Delivery of Matters in possession or custody of Toll Collector at removal.

XCIX. If any Collector of Tolls or other Officer employed by the Company be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector or other Officer, or the Wife, Widow, or any of the Family or Representatives of any such Collector or other Officer, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Company, or to any Person appointed by them for that Purpose, any Station, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Company in the Possession or Custody of any such Collector or Officer at the Occurrence of any such Event as aforesaid, then, upon Application being made by the Company to the Sheriff or to any Two Justices, it shall be lawful for such Sheriff or Justices to order any Constable, with proper Assistance, to enter upon such Station or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Company, or any Person appointed by them for that Purpose.

Annual Account to be made up, and a Copy transmitted to the Sheriff Clerk.

C. And be it enacted, That the Company shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this or the special Act for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Directors or some of them, and by the Auditors, and shall, if required, transmit a Copy of the said Account, free of Charge, to the Sheriff Clerks of the Counties through which the Railway shall pass on or before the Thirty-first Day of *January* then next; and the Copy of such Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid, if required so to do by any such Sheriff Clerk, they shall forfeit for every such Omission the Sum of Twenty Pounds.

Bye Laws.

And with respect to the Regulations of the Use of the Railway, be it enacted as follows:

Company to regulate the

CI. It shall be lawful for the Company from Time to Time, subject to the Provisions and Restrictions in this and the special Act

contained,

contained, to make Regulations for the following Purposes; (that is to say,) Use of the Railway.

For regulating the Mode by which and the Speed at which Carriages using the Railway are to be moved or propelled;

For regulating the Times of the Arrival and Departure of any such Carriages;

For regulating the loading or unloading of such Carriages, and the Weights which they are respectively to carry;

For regulating the Receipt and Delivery of Goods and other Things which are to be conveyed upon such Carriages;

For preventing the smoking of Tobacco, and the Commission of any other Nuisance, in or upon such Carriages, or in any of the Stations or Premises occupied by the Company;

And, generally, for regulating the travelling upon or using and working of the Railway:

But no such Regulation shall authorize the closing of the Railway, or prevent the Passage of Engines or Carriages on the Railway, at reasonable Times, except at any Time when in consequence of any of the Works being out of repair, or from any other sufficient Cause, it shall be necessary to close the Railway or any Part thereof.

CII. For better enforcing the Observance of all or any of such Regulations it shall be lawful for the Company, subject to the Provisions of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways*, to make Bye Laws, and from Time to Time to repeal or alter such Bye Laws, and make others, provided that such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have Effect, or to the Provisions of this or the special Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and any Person offending against any such Bye Law shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be imposed by the Company in such Bye Laws as a Penalty for any such Offence; and if the Infraction or Non-observance of any such Bye Law or other such Regulation as aforesaid be attended with Danger or Annoyance to the Public or Hindrance to the Company in the lawful Use of the Railway, it shall be lawful for the Company summarily to interfere to obviate or remove such Danger, Annoyance, or Hindrance, and that without Prejudice to any Penalty incurred by the Infraction of any such Bye Law. Power to make Regulations by Bye Laws. 3 & 4 Vict c. 97.

CIII. The Substance of such last-mentioned Bye Laws, when confirmed or allowed according to the Provisions of any Act in force regulating the Allowance or Confirmation of the same, shall be painted on Boards, or printed on Paper and pasted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of every Wharf or Station belonging to the Company, according to the Nature or Subject Matter of such Bye Laws respectively, and so as to give public Notice thereof to the Parties interested therein or affected thereby; and such Boards shall from Time to Time be renewed as often as the Bye Laws thereon, or any Part thereof, shall be obliterated or destroyed; and no Penalty imposed Publication of such Bye Laws.

Bye Laws.

by any such Bye Law shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

Such Bye Laws to be binding on all Parties.

CIV. Such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same; and for Proof of the Publication of any such Bye Laws it shall be sufficient to prove that a printed Paper or painted Board, containing a Copy of such Bye Laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such Paper or Board was replaced as soon as conveniently might be.

Leasing of Railway.

Exercise of Power to lease Railway.

CV. Where the Company shall be authorized by the special Act to lease the Railway, or any Part thereof, to any Company or Person, the Lease to be executed in pursuance of such Authority shall contain all usual and proper Obligations on the Part of the Lessee for maintaining the Railway, or the Portion thereof comprised in such Lease, in good and efficient Repair and working Condition during the Continuance thereof, and for so leaving the same at the Expiration of the Term thereby granted, and such other Provisions, Conditions, Obligations, and Agreements as are usually inserted in Leases of a like Nature.

Powers vested in Company to be exercised by Lessees.

CVI. Such Lease shall entitle the Company or Person to whom the same shall be granted to the free Use of the Railway or Portion of Railway comprised therein, and during the Continuance of any such Lease all the Powers and Privileges granted to and which might otherwise be exercised and enjoyed by the Company, or the Directors thereof, or their Officers, Agents, or Servants, by virtue of this or the special Act, with regard to the Possession, Enjoyment, and Management of the Railway, or of the Part thereof comprised in such Lease, and the Tolls to be taken thereon, shall be exercised and enjoyed by the Lessee, and the Officers and Servants of such Lessee, under the same Regulations and Restrictions as are by this or the special Act imposed on the Company and their Directors, Officers, and Servants; and such Lessee shall, with respect to the Railway comprised in such Lease, be subject to all the Obligations by this or the special Act imposed on the Company.

Carriages and Engines.

And with respect to the Engines and Carriages to be brought on the Railway, be it enacted as follows:

Engines to consume their Smoke.

CVII. Every locomotive Steam Engine to be used on the Railway shall, if it use Coal or other similar Fuel emitting Smoke, be constructed on the Principle of consuming, and so as to consume its own Smoke; and if any Engine be not so constructed the Company or Party using such Engine shall forfeit Five Pounds for every Day during which such Engine shall be used on the Railway.

Engines to be approved by the Com-

CVIII. No locomotive or other Engine, or other Description of moving Power, shall at any Time be brought upon or used on the

Railway unless the same have first been approved of by the Company; and within Fourteen Days after Notice given to the Company by any Party desirous of bringing any such Engine on the Railway the Company shall cause their Engineer or other Agent to examine such Engine at any Place within Three Miles Distance from the Railway to be appointed by the Owner thereof, and to report thereon to the Company; and within Seven Days after such Report, if such Engine be proper to be used on the Railway, the Company shall give a Certificate to the Party requiring the same of their Approval of such Engine; and if at any Time the Engineer or other Agent of the Company report that any Engine used upon the Railway is out of repair, or unfit to be used upon the Railway, the Company may require the same to be taken off, or may forbid its Use upon the Railway until the same shall have been repaired to the Satisfaction of the Company, and upon the Engine being so repaired the Company shall give a Certificate to the Party requiring the same of their Approval of such Engine; and if any Difference of Opinion arise between the Company and the Owner of any such Engine as to the Fitness or Unfitness thereof for the Purpose of being used on the Railway, such Difference shall be settled by Arbitration.

pany, and Certificate of Approval given.

Unfit Engines to be removed.

CIX. If any Person, whether the Owner or other Person having the Care thereof, bring or use upon the Railway any locomotive or other Engine, or any moving Power, without having first obtained such Certificate of Approval as aforesaid, or if, after Notice given by the Company to remove any such Engine from the Railway, such Person do not forthwith remove the same, or if, after Notice given by the Company not to use any such Engine upon the Railway, such Person do so use such Engine, without having first repaired the same to the Satisfaction of the Company, and obtained such Certificate of Approval, every such Person shall in any of the Cases aforesaid forfeit to the Company a Sum not exceeding Twenty Pounds; and in any such Case it shall be lawful for the Company to remove such Engine from the Railway.

Penalties on Persons using improper Engines.

CX. No Carriage shall pass along or be upon the Railway (except in directly crossing the same, as herein or by the special Act authorized,) unless such Carriage be at all Times, so long as it shall be used or shall remain on the Railway, of the Construction and in the Condition which the Regulations of the Company for the Time being shall require; and if any Dispute arise between the Company and the Owner of any such Carriage as to the Construction or Condition thereof, in reference to the then existing Regulations of the Company, such Dispute shall be settled by Arbitration.

Carriages to be constructed according to Company's Regulations.

CXI. The Regulations from Time to Time to be made by the Company respecting the Carriages to be used on the Railway shall be drawn up in Writing, and be authenticated by the Common Seal of the Company, and shall be applicable alike to the Carriages of the Company and to the Carriages of other Companies or Persons using the Railway; and a Copy of such Regulations shall, on demand, be furnished by the Secretary of the Company to any Person applying for the same.

Regulations to apply also to Company's Carriages.

CXII. If

Penalty for using improper Carriages.

CXII. If any Carriage, not being of such Construction or in such Condition as the Regulations of the Company for the Time being require, be made to pass or be upon any Part of the Railway (except as aforesaid), the Owner thereof, or any Person having for the Time being the Charge of such Carriage, shall forfeit to the Company a Sum not exceeding Ten Pounds for every such Offence, and it shall be lawful for the Company to remove any such Carriage from the Railway.

Owner's Name, &c. to be registered, and exhibited on Carriages.

CXIII. The respective Owners of Carriages using the Railway shall cause to be entered with the Secretary or other Officer of the Company appointed for that Purpose the Names and Places of Abode of the Owners of such Carriages respectively, and the Numbers, Weights, and Gauges of their respective Carriages; and such Owners shall also, if so required by the Company, cause the same Particulars to be painted in legible Characters on some conspicuous Part of the Outside of every such Carriage, so as to be always open to View; and every such Owner shall, whenever required by the Company, permit his Carriage to be weighed, measured, or gauged at the Expence of the Company.

On Non-compliance Carriage may be removed.

CXIV. If the Owner of any Carriage fail to comply with the Requisitions contained in the preceding Enactment, it shall be lawful for the Company to refuse to allow such Carriage to be brought upon the Railway, or to remove the same therefrom, until such Compliance.

Carriages improperly loaded, or suffered to obstruct the Way, may be unloaded or removed.

CXV. If the Loading of any Carriage using the Railway be such as to be liable to Collision with other Carriages properly loaded, or to be otherwise dangerous, or if the Person having the Care of any Carriage or Goods upon the Railway suffer the same or any Part thereof to remain on the Railway so as to obstruct the Passage or working thereof, it shall be lawful for the Company to cause such Carriage or Goods to be unloaded and removed in any Manner proper for preventing such Collision or Obstruction, and to detain such Carriage or Goods, or any Part thereof, until the Expences occasioned by such unloading, Removal, or Detention be paid.

Company not to be liable for Damage by unloading, &c.

CXVI. The Company shall not be liable for any Damage or Loss occasioned by any such unloading, Removal, or Detention as aforesaid, except for Damage wilfully or negligently done to any Carriage or Goods so unloaded, removed, or detained; nor shall they be liable for the safe Custody of any such Carriage or Goods so detained unless the same be wrongfully detained by them, and then only for so long a Time as the same shall have been so wrongfully detained.

Owners liable for Damage by Servants.

CXVII. The respective Owners of Engines and Carriages passing or being upon the Railway shall be answerable for any Damage done by their Engines or Carriages, or by any of the Servants or Persons employed by them, to or upon the Railway, or the Machinery or Works belonging thereto, or to or upon the Property of any other Person.

CXVIII. It

CXVIII. It shall be lawful for any Owner of any Engine or Carriage who shall pay the Amount of any Damage caused by the Misfeasance or Negligence of any Servant or other Person employed by him to recover the Amount so paid by him from such Servant or other Person. Owners to recover from Servants.

And with respect to the Settlement of Disputes by Arbitration, be it enacted as follows: *Arbitration.*

CXIX. When any Dispute directed by this or the special Act, or any Act incorporated therewith, to be settled by Arbitration, shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbiter, each Party, on the Request of the other Party, shall nominate and appoint an Arbiter to whom such Dispute shall be referred; and every Appointment of an Arbiter shall be made on the Part of the Company under the Hand of the Secretary or any Two of the Directors of the Company, and on the Part of any other Party under the Hand of such Party, or if such Party be a Company or Corporation, under the Hand of the proper Officer or Person authorized by such Company or Corporation; and such Appointment shall be delivered to the Arbiter, and shall be deemed a Submission to Arbitration on the Part of the Party by whom the same shall be made; and after any such Appointment shall have been made neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of either Party operate as such Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing, in which shall be stated the Matters so required to be referred to Arbitration, shall have been served by the one Party on the other Party, to appoint an Arbiter, such last-mentioned Party fail to appoint such Arbiter, then upon such Failure the Party making the Request, and having himself appointed an Arbiter, may appoint such Arbiter to act on behalf of both Parties; and such Arbiter may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbiter shall be final. Where Questions are to be determined by Arbitration Arbiters to be appointed within Fourteen Days after Notice.

CXX. If before the Matters so referred shall be determined any Arbiter appointed by either Party die, or become incapable to act, the Party by whom such Arbiter was appointed may nominate and appoint in Writing some other Person to act in his Place; and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so the remaining or other Arbiter may proceed *ex parte;* and every Arbiter so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbiter at the Time of such his Death or Incapacity as aforesaid. Vacancy of Arbiter to be supplied.

CXXI. Where more than One Arbiter shall have been appointed such Arbiters shall, before they enter upon the Matters so referred to them, nominate and appoint by Writing under their Hands an Oversman to decide on any such Matters on which they shall differ, or which shall be referred to them under this or the special Act; and Appointment of Oversman.

Arbitration.

if such Oversman shall die or become incapable to act, they shall forthwith after such Death or Incapacity appoint another Oversman in his Place; and the Decision of every such Oversman on the Matters on which the Arbiters shall differ shall be final.

Lord Ordinary to appoint an Oversman on Neglect of Arbiters.

CXXII. If in either of the Cases aforesaid the said Arbiters shall refuse, or shall for Seven Days after Request of either Party to such Arbitration neglect to appoint an Oversman, the Lord Ordinary, on the Application of either Party to such Arbitration, shall appoint an Oversman; and the Decision of such Oversman on the Matters on which the Arbiters shall differ, or which shall be referred to them under this or the special Act, shall be final.

In case of Death of single Arbiter, Matter to begin de novo.

CXXIII. If when a single Arbiter shall have been appointed such Arbiter shall die or become incapable to act before he shall have made his Award, the Matters referred to him shall be determined by Arbitration, under the Provisions of this or the special Act, in the same Manner as if such Arbiter had not been appointed.

If either Arbiter refuse to act, the other to proceed ex parte.

CXXIV. If where more than One Arbiter shall have been appointed either of the Arbiters refuse or for Seven Days neglect to act, the other Arbiter may proceed *ex parte*, and the Decision of such Arbiter shall be as effectual as if he had been the single Arbiter by both Parties.

If Arbiters fail to make their Award within Twenty-one Days the Matter to go to the Umpire.

CXXV. If where more than One Arbiter shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such Arbiters shall fail to make their Award within Twenty-one Days after the Day on which the last of such Arbiters shall have been appointed, or within such extended Time as shall have been appointed for that Purpose by both such Arbiters, under their Hands, the Matters referred to them shall be determined by the Umpire to be appointed as aforesaid.

Power of Arbiters to call for Books, &c.

CXXVI. The said Arbiters or their Oversman may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose, and may also grant Diligence for the Recovery of such Documents as either Party may require, or for citing Witnesses, and on Application to the Lord Ordinary Letters of Supplement, or such other Writ as may be necessary, shall be issued by the Lord Ordinary in support of such Diligence.

Expences to be in the Discretion of the Arbiters.

CXXVII. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the Expences of and attending every such Arbitration, to be determined by the Arbiters, including the Expence of recording the Decreet Arbitral or Award in the Books of Council and Session, and of furnishing Extracts thereof from the said Books, shall be in the Discretion of the Arbiters or the Oversman, as the Case may be.

CXXVIII. The

CXXVIII. The Arbiters or Oversman, as the Case may be, shall make the Decreet Arbitral or Award in Writing, and shall cause the same to be recorded in the Books of Council and Session; and Extracts of Decreets Arbitral or Awards so recorded shall make Faith in all Courts and Cases in like Manner as the original Decreets Arbitral or Awards themselves, except where the Originals are offered to be improven. Awards to be in Writing, and recorded;

CXXIX. No Award made in respect to any Question referred to Arbitration under the Provisions of this or the special Act shall be set aside for Irregularity or Error in Matter of Form. Not to be set aside for Matter of Form.

CXXX. And be it enacted, That any Summons or Notice, or any Writ or other Proceeding at Law, requiring to be served upon the Company, may be served by the same being left at or transmitted through the Post directed to the principal Office of the Company, or One of their principal Offices where there shall be more than One, or being given personally to the Secretary, or in case there be no Secretary then by being given to any One Director of the Company. Service of Notices upon Company.

CXXXI. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defender, by Leave of the Court where such Action shall be pending, at any Time before the Record is closed to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defenders are allowed to pay Money into Court. Tender of Amends.

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff or to Justices, be it enacted as follows:

CXXXII. In all Cases where any Damages, Charges, or Expences are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount, in case of Dispute, shall be ascertained and determined by the Sheriff; and if the Amount so ascertained be not paid by the Company or other Party liable to pay the same, within Seven Days after Demand, the Amount may be recovered by Poinding and Sale of the Goods of the Company or other Party liable as aforesaid, and the Sheriff shall, on Application, issue his Warrant accordingly. Provision for Damages not otherwise provided for.

CXXXIII. If sufficient Goods of the Company cannot be found whereon to levy any such Damages, Charges, or Expences payable by the Company, the same may, if the Amount thereof do not exceed Twenty Pounds, be recovered by Poinding and Sale of the Distress, &c. against the Treasurer.

Recovery of Damages and Penalties.

Goods of the Treasurer of the Company, and the Sheriff, on Application, shall issue his Warrant accordingly; but no such Poinding and Sale shall be executed against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence; and if such Treasurer pay any Money under such Distress or Poinding and Sale as aforesaid he may retain the Amount so paid by him, and all Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue the Company for the same.

Method of proceeding before the Sheriff or Justices in Questions of Damages.

CXXXIV. Where in this or the special Act, or any Act incorporated therewith, any Question of Damages, Charges, Expences, or other Matter is referred to the Determination of any Sheriff or Justices, it shall be lawful for the Sheriff or any Justice, upon the Application of either Party, to order the other Party to appear before such Sheriff if the Order shall be issued by the Sheriff, or before Two Justices if the Order shall have been issued by a Justice, at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or in the Absence of any of them upon Proof of due Service of the Summons, it shall be lawful for such Sheriff or such Two Justices, as the Case may be, to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and their Witnesses, on Oath; and the Expences of every such Inquiry shall be in the Discretion of such Sheriff or Justices, and he or they shall determine the Amount thereof.

Publication of Penalties.

CXXXV. The Company shall publish the short Particulars of the several Offences for which any Penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law of the Company affecting other Persons than the Shareholders, Officers, or Servants of the Company, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalty for defacing Boards used for such Publication.

CXXXVI. If any Person pull down or injure any Board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expences attending the Restoration of such Board.

CXXXVII. Every

CXXXVII. Every Penalty or Forfeiture imposed by this or the special Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before the Sheriff or Two Justices; and on Complaint being made to any Sheriff or Justice he shall issue an Order requiring the Party complained against to appear before himself if the Order be issued by a Sheriff, or before Two or more Justices if the Order be issued by a Justice, at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence after Proof of the due Service of such Order, it shall be lawful for any Sheriff or Two Justices to proceed to the hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Sheriff or Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Expences attending the Conviction as such Sheriff or Justices shall think fit. Penalties to be summarily recovered before the Sheriff or Two Justices.

CXXXVIII. If forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Expences as aforesaid, be not paid, the Amount of such Penalty and Expences shall be levied by Poinding and Sale, and such Sheriff or Justices, or either of them, shall issue his or their Warrant of Poinding and Sale accordingly. Penalties may be levied by Poinding and Sale.

CXXXIX. It shall be lawful for any such Sheriff or Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Poinding and Sale to be issued for levying such Penalty or Forfeiture and Expences, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Sheriff or Justices, for his Appearance before him or them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Poinding and Sale it shall appear to the Sheriff or Justices, by the Admission of the Offender or otherwise, that no sufficient Poinding and Sale can be had within the Jurisdiction of such Sheriff or Justices whereon to levy such Penalty or Forfeiture and Expences, he or they may, if he or they think fit, refrain from issuing such Warrant; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Sheriff or Justices, then such Sheriff or Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Expences be sooner paid and satisfied. Imprisonment in default of sufficient Poinding.

CXL. Where in this or the special Act, or any Act incorporated therewith, any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Poinding and Sale, such Poinding and Sale how to be made.

Recovery of Damages and Penalties.

such Sum of Money shall be levied by Poinding and Sale of the Goods and Effects of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Effects, after satisfying such Sum of Money, and the Expences of the Poinding and Sale, shall be returned, on demand, to the Party whose Goods shall have been seized.

Poinding not unlawful for Want of Form.

CXLI. No Poinding and Sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser or Wrongdoer, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, or other Proceeding relating thereto, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action before the Sheriff Court.

Application of Penalties.

CXLII. The Sheriff or Justices by whom any such Penalty or Forfeiture shall be imposed, where the Application thereof is not otherwise provided for, may award not more than One Half thereof to the Informer, and shall award the Remainder to the Kirk Session, or Treasurer or Collector of the Funds for the Poor, of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CXLIII. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any Offence made cognizable before the Sheriff or Justices, unless the Complaint respecting such Offence shall have been made before such Sheriff or some Justice within Six Months next after the Commission of such Offence.

Damage to be made good in addition to Penalty.

CXLIV. If, through any Act, Neglect, or Default on account whereof any Person shall have incurred any Penalty imposed by this or the special Act, or any Act incorporated therewith, any Damage to the Property of the Company shall have been committed by such Person, he shall be liable to make good such Damage as well as to pay such Penalty; and the Amount of such Damage shall, in case of Dispute, be determined by the Sheriff or Justices by whom the Party incurring such Penalty shall have been convicted; and on Nonpayment of such Damages, on demand, the same shall be levied by Poinding and Sale, and such Sheriff or Justices shall issue his or their Warrant accordingly.

Penalty on Witnesses making default.

CXLV. It shall be lawful for any Sheriff or Justice to summon any Person to appear before him as a Witness in any Matter in which such Sheriff or Justice or Two or more Justices shall have Jurisdiction under the Provisions of this or the special Act, or any Act incorporated therewith, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a

reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Sheriff or Justice or Justices, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence. *Recovery of Damages and Penalties.*

CXLVI. It shall be lawful for any Officer or Agent of the Company, and all Persons called by him to his Assistance, to seize and detain any Person who shall be found committing any Offence against the Provisions of this or the special Act, or any Act incorporated therewith, and whose Name and Residence shall be unknown to such Officer or Agent, and convey him with all convenient Despatch before the Sheriff or a Justice, without any Warrant or other Authority than this or the special Act; and such Sheriff or Justice shall proceed with all convenient Despatch in the Matter of the Complaint against such Offender. Transient Offenders.

CXLVII. Any Sheriff to whom any Application is authorized to be made, and before whom any judicial Proceeding shall in consequence take place or become necessary under or by virtue of this or the special Act, or any Act incorporated therewith, shall and he is hereby authorized and required summarily to call before him all Parties who appear to him to be interested therein, and to proceed forthwith to hear *vivâ voce*, and pronounce Judgment regarding the Matters mentioned in such Application or Proceedings, or to do the several Matters and Things required by this Act to be done by him, without waiting the ordinary Course of the Roll of Causes before him, and without written Pleadings or a written Record, or reducing any Evidence which may be led by either of the Parties to Writing, unless and except where the said Sheriff shall consider that the Matters mentioned in such Application or Proceedings can with more Advantage be decided with written Pleadings and with a written Record, in which Case he shall proceed to make up a Record, and bring the said Matters to a Conclusion with all convenient Despatch; and the Orders and Judgments of the said Sheriff when pronounced without a Record shall be final and conclusive, and not subject to Review by Suspension or Advocation or to Reduction on any Ground whatever. Proceedings by Sheriff need not be in Writing.

CXLVIII. The Sheriff or Justice or Justices before whom any Person shall be convicted of any Offence against this or the special Act, or any Act incorporated therewith, may cause the Conviction to be drawn up according to the Form in the Schedule to this Act annexed. Form of Conviction.

CXLIX. No Proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for Want of Form, nor shall the same be removed by Suspension or otherwise into any Superior Court. Proceedings not to be quashed for Want of Form, &c.

CL. In all Cases which may come before any Sheriff Substitute under this or the special Act, or any Act incorporated therewith, in which written Pleadings shall have been allowed, and a written Record shall have been made up, and where the Evidence which has Power of Appeal to Sheriff.

Recovery of Damages and Penalties.

has been led by the Parties shall have been reduced to Writing, but in no other Case whatever, it shall be competent for any of the Parties thereto, within Seven Days after a final Judgment shall have been pronounced by such Sheriff Substitute, to appeal against the same to the Sheriff of the County, by lodging a Minute of Appeal with the Sheriff Clerk of such County or his Depute; and the said Sheriff shall thereupon review the Proceedings of the said Sheriff Substitute and whole Process, and, if he think proper, hear the Parties *vivâ voce* thereon, and pronounce Judgment; and such Judgment shall in no Case be subject to Review by Suspension or Advocation or to Reduction on any Ground whatever.

Parties allowed to appeal from Justices to Quarter Sessions on giving Security.

CLI. If any Party shall feel aggrieved by any Determination or Adjudication of any Justices with respect to any Matter under the Provisions of this or the special Act, or any Act incorporated therewith, he may, unless otherwise specially provided, appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CLII. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Expences, both of the Adjudication and of the Appeal, as they may think reasonable.

Special Act.

And with respect to the Provision to be made for affording Access to the special Act by all Parties interested, be it enacted as follows:

Copies of special Act to be kept and deposited, and allowed to be inspected.

CLIII. The Company shall at all Times after the Expiration of Six Months after the passing of the special Act keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty or some of them; and shall also within the Space of such Six Months deposit in the Offices of each of the Sheriff Clerks of the several Counties into which the Works shall extend a Copy of such special Act, so printed as aforesaid; and the said Sheriff Clerks shall receive, and they and the Company respectively shall retain, the said Copies of the special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like

like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.* *Special Act.* 7 W. 4. & 1 Vict. c. 83.

CLIV. If the Company shall fail to keep or deposit, as hereinbefore mentioned, any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited. Penalty on Company failing to keep or deposit Act.

CLV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Alteration of Act.

SCHEDULE referred to by the foregoing Act.

Form of Conviction before

to wit.

Be it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me *C.*, the Sheriff [*or* before us *D.*, *E.*, Two of Her Majesty's Justices of the Peace] for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under my Hand [*or* under our Hands], the Day and Year first above written.

C.
or
D.
E.

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

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CAP. XXXIV.

An Act for abolishing the separate Seal Office of the Courts of Queen's Bench and Common Pleas. [21st *July* 1845.]

WHEREAS by an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act to authorize the Purchase of the Office of Receiver and Comptroller of the Seal of the Court of King's Bench and Common Pleas, and of Custos Brevium of the Court of Common Pleas*, it was recited, that the Office of Receiver General and Comptroller of the Seal of the Courts of King's Bench and Common Pleas was, by Letters Patent under the Great Seal of *England*, dated the Thirtieth Day of *April* in the Twenty-fifth Year of the Reign of King *Charles* the Second, granted to *Henry* Earl of *Euston*, afterwards Duke of *Grafton*, in Tail Male, and that the Office was then held by a Person entitled thereto under the said Grant; and it was by the said Act enacted, that it should be lawful for the Commissioners of the Treasury to treat, contract, and agree with the Person beneficially entitled to the Fees, Receipts, and Profits of the said Office, for the Purchase of all the Rights, Profits, Privileges, and Advantages whatever belonging thereto, for such Annuity, to be charged upon the Consolidated Fund of the United Kingdom, as the said Commissioners should think fit; and that from and after the Confirmation of the said Agreement by Parliament the Rights and Interests of all Persons whatsoever claiming 6 G. 4. c. 89.

claiming or entitled to claim under the said recited Letters Patent should cease and determine: And whereas the Commissioners of Her Majesty's Treasury treated, contracted, and agreed with *George Henry Fitzroy*, the late Duke of *Grafton*, who was entitled to the Office of Receiver General and Comptroller of the Seal of the Courts of Queen's Bench and Common Pleas, and which Contract and Agreement have been acceded to by the present Duke of *Grafton*, for the Purchase of the said Office, and of all the Rights, Profits, Privileges, and Advantages whatsoever belonging thereto, for an Annuity of Eight hundred and forty-three Pounds payable to the Duke of *Grafton*, and an Annuity of Three hundred Pounds payable to *John Pimlott*, his Deputy: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of *December* One thousand eight hundred and forty-five the present Office of Receiver General and Comptroller of the Seal of the Courts of Queen's Bench and Common Pleas shall wholly cease and determine; and there shall be paid to the present Duke of *Grafton* the Sum of Eight hundred and forty-three Pounds *per Annum*, and to *John Pimlott*, his Deputy, the Sum of Three hundred Pounds *per Annum*; the said Annuity to the Duke of *Grafton* to be paid to him during his Life, and at his Decease to be continued from Time to Time to such Person or Persons as would have been entitled to the Fees, Profits, and Advantages of the said Office of Receiver General and Comptroller of the Seal of the said Courts, under the Letters Patent before recited, if the same had not been abolished by this Act; and the said Annuity to *John Pimlott* to be paid to him during his Life; and such Annuities shall commence on the First Day of *January* One thousand eight hundred and forty-six, and shall be issued and paid and payable quarterly out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Abolition of Offices of Receiver General and Comptroller of the Seal.

II. And be it enacted, That from and after the said Thirty-first Day of *December* One thousand eight hundred and forty-five all Writs and other Processes hitherto sealed and re-sealed at the said Office of the Receiver General and Comptroller of the Seal of the Courts of Queen's Bench and Common Pleas shall be sealed and re-sealed by the Masters of the said Courts respectively, and by the Queen's Coroner and Attorney and Master on the Crown Side of the Court of Queen's Bench, with the Seals or Stamps now or which may hereafter be used by them respectively in their several Offices, and with no other Seals; and all Proceedings, Acts, Matters, and Things usually had, done, and performed in the said Offices hereby abolished, and which it is requisite or needful to be continued, shall be had, done, and performed by the Masters of the said respective Courts, and by the Queen's Coroner and Attorney and Master on the Crown Side of the Court of Queen's Bench, as fully and effectually, to all Intents and Purposes, as the same might or would have been had, done, and performed by the said Receiver General and Comptroller of the Seals of the said Courts, or his Deputy; subject nevertheless to all such Orders and Directions as shall or may

Writs, &c. in Courts of Queen's Bench, Common Pleas, and Exchequer to be sealed by the Masters of those Courts respectively, &c.

may from Time to Time be made by the Judges of the said Courts for regulating the Proceedings and Practice and the Receipt of Fees therein; and all Records, Books, Papers, and other Documents of and concerning the Duties of the said Offices hereby abolished, and also all Seals used therein, shall on the Thirty-first Day of *December* One thousand eight hundred and forty-five be delivered by the said Receiver General and Comptroller of the Seal of the Courts of Queen's Bench and Common Pleas, or by his Deputy, to the Masters of the Courts of Queen's Bench and Common Pleas respectively, and to the Queen's Coroner and Attorney and Master on the Crown Side of the Court of Queen's Bench, according to the particular Court and Office to which such Records and other Things may relate, to be by them kept and preserved in their respective Offices: Provided always, that the Fees now payable for sealing and re-sealing the said Writs and other Processes shall from and after the said Thirty-first Day of *December* One thousand eight hundred and forty-five be taken and received by the Masters of the said Courts, and by the Queen's Coroner and Master in the Crown Office, and such Fees shall be accounted for by them in the same Manner as all other Fees received in their said respective Offices.

Fees.

III. And whereas certain Sums of Money, amounting to One thousand six hundred and fifty-three Pounds and Fourteen Shillings *per Annum*, have for many Years past been paid out of the Profits of his Office by the Receiver General and Comptroller of the Seals of the Courts of Queen's Bench and Common Pleas, by way of Rent-charge, into the Receipt of the Hanaper in the Court of Chancery, and such Payments, unless otherwise provided for, will wholly cease and determine; be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, if they shall deem it expedient, to direct the whole or any Part of the said Sum of Money to be paid to the Clerk of the Hanaper in the Court of Chancery, at such Times and in such Manner as they may think proper, out of the Fee Funds respectively of the Masters of the Courts of Queen's Bench and Common Pleas, into which Funds the Fees for sealing Writs and other Process issued from the said Courts will be payable upon the Abolition of the said Office of the Receiver General and Comptroller of the Seals by the Operation of this Act.

Commissioners of the Treasury may direct certain Sums of Money to be paid to the Clerk of the Hanaper.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1845.

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as nearly as may be in the Terms of Schedule (B.) hereto annexed; and such Form of Infeftment shall be effectual, whether the Lands lie contiguous or discontiguous, or are held by the same or by different Titles, or of One or more Superiors, or whether the Deed entitling the Party to obtain Infeftment be dated prior or subsequent to the present Act, or whether the Precept of Sasine therein be in the Form heretofore in use, or in the Form authorized by the present Act.

Instruments of Sasine to be entered and recorded.

II. And be it enacted, That from and after the said First Day of *October* every such Instrument of Sasine shall be recorded in manner heretofore in use with regard to Instruments of Sasine, and the Keepers of the Registers of Sasines are hereby required to receive and register the same accordingly; and such Instrument of Sasine, being so recorded, shall in all respects have the same Effect as if Sasine had been taken and an Instrument of Sasine duly recorded according to the Law and Practice heretofore in use.

May be recorded at any Time, but the Date of the Presentment to be the Date of the Infeftment.

III. And be it enacted, That from and after the said First Day of *October* every such Instrument of Sasine may be competently and effectually recorded at any Time during the Life of the Party in whose Favour such Instrument has been expede, but the Date of Presentment and Entry set forth on any such Instrument by the Keeper of the Record shall be taken to be the Date of the Instrument of Sasine and Infeftment.

In case of Error or Defect, another Instrument may be recorded.

IV. And be it enacted, That in case of any Error or Defect in any such Instrument of Sasine, or in the recording thereof, it shall be competent of new to make and record an Instrument of Sasine, which shall have Effect from the Date of the recording thereof, as if no previous Instrument or Instruments had been made or recorded.

Forms of the Precept and Instrument of Sasine.

V. And be it enacted, That in all Deeds containing a Precept of Sasine such Precept may be in the Form and as nearly as may be in the Terms of the Schedule (A.) hereto annexed, and the Instrument of Sasine on any such Deed shall be in the Form and as nearly as may be in the Terms of the said Schedule (B.) hereto annexed, which Precepts and Instruments of Sasine respectively shall be as valid and effectual as the Precepts and Instruments of Sasine heretofore in use.

Precept from Chancery to be issued to Notaries upon Payment of Retour Duties and Casualties.

VI. And be it enacted, That where Infeftment is to be completed under a Precept issuing from the Office of Chancery, which Precept has hitherto been directed to the Sheriff of the County in which the Lands or some Part thereof lie, such Precept shall, after the said First Day of *October*, be addressed to any Notary Public: Provided always, that such Precept shall be null and void unless an Instrument of Sasine thereon be recorded in the General Register of Sasines, or the Register of Sasines applicable to the Lands therein contained, before the first Term of *Whitsunday* or *Martinmas* posterior to the Date of such Precept, without prejudice to a new Precept being

issued as heretofore, and that before such Precept is issued from Chancery the Retour Duties and Casualties due to the Crown shall be paid to the proper Officer there, who shall account to the Exchequer for the same in like Manner as the Sheriffs were wont to do; and the same Officer shall also receive at the same Time certain Fees on behalf of the Sheriffs, Sheriffs Substitute, and Sheriff Clerks of the Counties in which the Lands lie, and on which Sasine would have been taken according to the Form heretofore in use, and to whom such Officer shall account for the same, in place of the Fees which they have heretofore been in use to receive, but such Fees shall be paid only during the Existence of the respective Interests of the present Sheriffs, Sheriffs Substitute, and Sheriff Clerks in their respective Offices; and the Lords of Council and Session are hereby authorized and required, by an Act or Acts of Sederunt, to regulate and determine the Amount of the Fees to be so received on behalf of each Sheriff, Sheriff Substitute, and Sheriff Clerk, having due Regard to the existing Interest of each.

Fees to be paid to Sheriffs and Sheriff Clerks for a limited Period.

VII. And whereas it is not hereby intended to make any Alterations in the Law with regard to Instruments of Sasine and Instruments of Cognition, and Sasine of Subjects held Burgage, or by any similar Mode of Tenure known and effectual in Law, excepting as after specified; be it enacted, That the Forms and Modes of Registration of these Instruments shall continue the same as at present, excepting only that the same shall be valid and effectual, if attested by the Town Clerk as a Notary, without the Addition of his Docquet, and by the Witnesses, and that the Delivery of Symbols may lawfully be given, either on the Ground of the Subjects as heretofore, or within the Council Chamber of the Burgh by Delivery of a Pen.

Forms of Burgage Sasines to continue as at present.

VIII. And be it enacted, That Instruments of Resignation ad remanentiam shall be written in the same Form as at present, but it shall be unnecessary for the Notary Public to adhibit his long Docquet to such Instruments; and further, that all Resignations ad remanentiam may be accepted by the Superior himself, or on his Behalf, by his known Agent for the Time, or by any Person having a formal Commission for that Purpose.

Instruments of Resignation ad remanentiam regulated.

IX. And whereas Instruments of Resignation in favorem, as separate Instruments intended merely to connect the Procuratory with the Charter of Resignation, are now rarely used in Practice, and are wholly unnecessary; be it enacted, That from and after the said First Day of *October* the same shall be and are hereby abolished: Provided always, that the Deduction of Titles required by the Act of the Parliament of *Scotland* made in the Year One thousand six hundred and ninety-three, intituled *Act anent Procuratories of Resignation and Precepts of Seisin*, to be made in such Instruments, shall from and after the Date of this Act be made in the Charter of Resignation.

Instruments of Resignation in favorem abolished.

X. And

Interpretation of Act.

X. And be it enacted, That in the Construction of this Act the Words "Notary Public" shall be held to mean a Notary Public in *Scotland* duly admitted and practising there; the Word "Deed" shall be held to include any Warrant or Document upon which Sasine may follow; and the Word "Lands," or the Words "Heritable Property," shall be held to include Houses, Fishings, Mills, Minerals, Patronages, Teinds, and in general all Heritable Subjects or Rights in which Infeftment may be taken; and all Words in the Singular Number shall be held to include a Plurality of Persons or Things; and in general this Act shall be construed in the most liberal Manner, so as to accomplish the Objects thereby intended.

Alteration of Act.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

FORM OF PRECEPT OF SASINE.

Moreover I desire any Notary Public to whom these Presents may be presented to give to the said *A. B.* or his foresaids Sasine [*or* Life-rent Sasine, *or* Sasine in Life-rent and Fee respectively, *as the Case may be*,] of the Lands and others above disponed, [*if the Deed be granted under the Burden of a Real Lien or Servitude, or any other Incumbrance, Condition, or Qualification of the Right, or under Redemption, then there will be added here,* "but always under the Burden of the Real Lien," *&c.* (*as the Case may be*) before specified]. In witness whereof, *&c.* [*here insert a Testing Clause in legal Form*].

SCHEDULE (B.)

FORM OF INSTRUMENT OF SASINE.

AT there was, by or on behalf of *A.B.* of Z., Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, or an Extract of a Deed* (*as the Case may be*)], granted by *C. D.* of Y., Esquire, and bearing Date as in the Precept of Sasine herein-after inserted, [*here describe also any connecting Deed or Writ, or Extract thereof, in virtue of which the Sasine is to be given to A.B.*] by which Disposition the said *C.D.* sold, alienated, and disponed to the said *A.B.* [*or*, to *E.F.* (*as the Case may be*)] and his Heirs and Assignees, [*here insert the Destination, if any,*] heritably and irredeemably, [*or* redeemably, *or* in Life-rent, *or otherwise* (*as the Case may be*),] all and whole [*here insert the Description of the Subjects conveyed; and if the Disposition by C. D. was not to A.B. himself, but is vested in him as Assignee, Heir, or Adjudger, or otherwise, in whole or in part, state the successive Transferences, and the Way in which he has Right thereto*], which Disposition contains an Obligation to infeft [*here state whether* a se *or* de se, *or both or either* (*as the Case may be*),] and a Precept of Sasine in the following Terms [*here insert the Precept, which may be either according to the Form at present in use, or according to the abbreviated Form in Schedule* (*A.*)], in virtue of which Precept I hereby give Sasine [*or* Life-rent Sasine, *or* Sasine in Life-rent and Fee respectively] to the said *A. B.* of the Lands and others above described. [*If the Precept of Sasine contains a Reference to a Real Burthen, or to any Conditions or Qualifications of the Right, or to a*

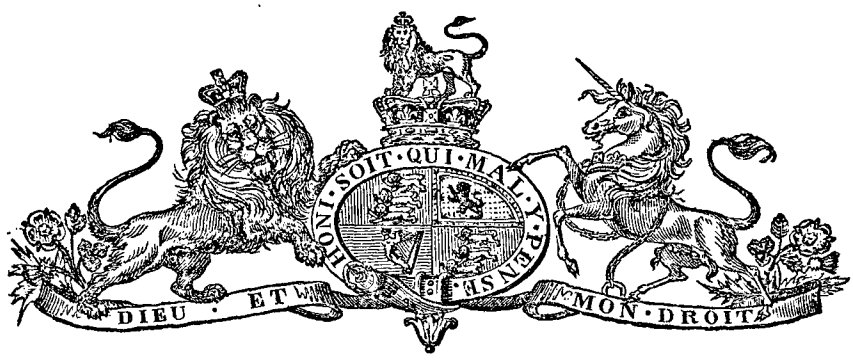
Power of Redemption, then add, "but always under the Burden of the Real Right, *&c.* before specified."]

In witness whereof I have subscribed these Presents, written on this and the preceding Pages by *G. H.*, my Clerk, before these Witnesses, the said *G. H.* and *J. K.*, Accountant in Edinburgh.

(Signed) *L.M.*, Notary Public.

G.H., Witness.
J.K., Witness.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.



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VICTORIÆ REGINÆ.

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CAP. XXXVI.

An Act to continue for Five Years and to amend the Acts for authorizing a Composition for Assessed Taxes. [21st *July* 1845.]

WHEREAS, under and by virtue of several Acts of Parliament, divers Persons have compounded for their Assessed Taxes in *Great Britain* for a certain Time limited by the said Acts respectively, and their Contracts of Composition have been from Time to Time renewed or continued for a further Term under and by virtue of several other Acts passed for that Purpose, and such Contracts will expire on the Fifth Day of *April* One thousand eight hundred and forty-six: And whereas it is expedient to relieve such Persons who have so compounded as aforesaid, as well as others who may be willing to compound under the Provisions of this Act, from an annual Assessment for a further Term herein limited: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Assessments made or to be made for the Year to end on the Fifth Day of *April* One thousand eight hundred and forty-six, under and by virtue of the several Acts now in force,

Assessments for the Year ending 5th April 1846 on Persons

compounding under this Act to remain to the same Amount for the Term of Five Years; and Compositions under former Acts may be renewed for the like Term.

Form of Contract of Composition.

force, in relation to such of the Duties of Assessed Taxes as may be comprised in any Composition to be entered into under this Act, shall severally be and remain to the same annual Amount in respect of every Person who shall compound for the same under this Act for the Term of Five Years, to be computed from the said Fifth Day of *April* One thousand eight hundred and forty-six; and the several Compositions entered into under any former Act or Acts, and now in force, may, in respect of such of the said Duties as are herein enumerated and allowed to be compounded for, be renewed under this Act for the like Term of Five Years, to be computed as aforesaid, in the Manner and subject to the Terms, Conditions, and Exceptions herein prescribed; and every Contract of Composition to be entered into or renewed under this Act may be made according to the Form set forth in the Schedule to this Act annexed, *mutatis mutandis*, or according to such other Form as the Commissioners of Stamps and Taxes shall provide in that Behalf, and shall specify the Number of Servants, Carriages, Horses, and other Articles of the Establishment upon which such Composition shall be made or renewed as aforesaid.

Articles kept for Trade or by Persons in Partnership, or to be let for Hire, not to be compounded for.

Enumeration of Articles to be compounded for.

II. Provided always, and be it enacted, That no Composition shall be entered into or renewed under this Act in respect of any Carriage, Horse, or other Article kept for the Purpose of Trade, or let or used for Hire, or assessed or charged upon Two or more Persons jointly or in Partnership, nor for any Duties of Assessed Taxes other than the Duties on the following Articles forming the Establishment of the Person so compounding and retained, employed, kept, and used for his own Use, and not for or to the Use, Benefit, or Profit of any other Person; (*videlicet,*) the Duties on Servants mentioned in the Schedule marked (C.) No. 1. and No. 3. of Two several Acts passed respectively in the Forty-eighth and Fifty-second Years of the Reign of King *George* the Third, and the reduced Duty granted by an Act of the Fifty-ninth Year of the Reign of King *George* the Third on Under Gamekeepers; the Duties on Carriages mentioned in the Schedule marked (D.) No. 1. and No. 2. of the said Acts respectively, and the several reduced Duties granted by an Act of the First Year of the Reign of His late Majesty King *William* the Fourth upon Carriages with Four Wheels of less Diameter than Thirty Inches, and drawn by Ponies not exceeding Thirteen Hands in Height, and upon Carriages with Four Wheels and drawn by One Horse only; and also the Duties on Horses mentioned in the Schedules respectively marked (E.) No. 1. and (F.) No. 1. of the said respective Acts of the Forty-eighth and Fifty-second Years of King *George* the Third, whether such Horses are subject to the Rates mentioned in the said Acts, or to any reduced Duty by any subsequent Act; and the reduced Duty granted by Two several Acts, passed respectively in the Fifty-ninth Year of the Reign of King *George* the Third and the Fourth Year of the Reign of King *George* the Fourth, upon Horses not exceeding the Height of Thirteen Hands, used for the Purpose of riding or drawing Carriages; and also the Duties on Race Horses granted by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William*

the Fourth; and the Duties on Dogs mentioned in the Schedule marked (G.) of the said respective Acts of the Forty-eighth and Fifty-second Years of King *George* the Third; and the Duties in respect of using or wearing Hair Powder mentioned in the Schedule marked (I.) of the said Act of the Forty-eighth Year of King *George* the Third; and also the Duties in respect of using or wearing Armorial Bearings or Ensigns mentioned in the Schedule marked (K.) of the said last-mentioned Act; and every such Composition which shall comprise any other Duty or Duties than the Duties herein-before enumerated, and allowed by this Act to be compounded for, shall be void and of no Effect in respect of such other Duties; and all such other Duties shall be assessed and charged according to the Laws in force relating to Assessments, notwithstanding any such Composition.

Persons assessed for the Year ending the 5th Day of April 1846 may compound on the Amount assessed in that Year, paying an additional Duty of Five Pounds per Cent.

III. And be it enacted, That every Person, not having compounded under the said former Acts, who is or shall be duly assessed for the Year ending on the Fifth Day of *April* One thousand eight hundred and forty-six to the Duties chargeable under the Acts relating to Assessed Taxes, may compound for the said Duties in respect of the Articles comprised in such Assessment and herein enumerated for the said Term of Five Years hereby limited, on Payment of the same Amount annually as is or shall be assessed on him for the said Year ending as aforesaid in respect of the said Articles herein enumerated, together with an additional annual Duty of One Shilling for every Twenty Shillings, and after that Rate for any greater or less Sum than Twenty Shillings of the said Amount so assessed, but no fractional Part of One Penny of the said additional Duty shall be payable.

Persons who have compounded under former Acts may renew their Compositions under this Act.

Duties to be paid on renewed Compositions.

IV. And be it enacted, That every Person, except as herein-after is excepted, who hath compounded under the said former Acts for the Duties of Assessed Taxes by any Contract now in force may renew such Composition as to the Duties on the Articles herein enumerated and allowed by this Act to be compounded for; and the Commissioners of the Division in which such Person shall reside shall renew such Composition under the Provisions of this Act, whether the same was entered into with the Commissioners of the same Division or of any other Division; and the Amount of Duty charged and now payable on the same Articles respectively comprised in the said former Composition, together with the additional Per-centage Rate or several additional Per-centage Rates of Duty also charged therein under the said former Acts in respect of the said Articles, shall form the aggregate Amount on which the following additional Rates of Duty shall respectively be computed and charged for the Renewal of such Composition under this Act; (that is to say,) where the Person who hath compounded as aforesaid hath increased his Establishment of Servants, Horses, Carriages, or other Articles upon which such Composition hath been made, but to such an Extent only that the Duties chargeable thereon under an Assessment would not exceed by more than One Fourth the total Amount of the Sum now payable on such Contract of Composition, there shall be payable annually a further additional

additional Duty of One Shilling for every Twenty Shillings, and after that Rate for any greater or less Sum than Twenty Shillings of said aggregate Amount; and where such Person hath increased such his Establishment beyond the Extent aforesaid, but so that the Duties chargeable thereon under an Assessment would not exceed double the Sum now payable on such Contract of Composition, there shall be payable annually a further additional Duty of Two Shillings for every Twenty Shillings, and after that Rate for any greater or less Sum than Twenty Shillings of the said aggregate Amount; but no fractional Part of One Penny of the said respective additional Duties shall be payable under this Act: Provided always, that where the Person who hath compounded as aforesaid hath not increased such his Establishment so that the Duties chargeable thereon under an Assessment would exceed the total Amount of the Sum now payable on his Contract of Composition, no additional Rate of Duty shall be payable under this Act for the Renewal of such Composition.

The additional Duty of Ten per Centum granted by 3 & 4 Vict. c. 17. to be charged on the Composition under this Act.

V. Provided always, and be it enacted, That the additional Duty of Ten *per Centum* granted and now payable under an Act passed in the Third Year of Her Majesty's Reign, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, shall be computed and charged upon and shall be payable over and above the gross aggregate Amount of all the Duties charged by this or any former Act or Acts upon or in respect of any Contract of Composition made or renewed under this Act.

Persons who, since compounding, have increased their Establishments more than double, or who have compounded on a less Amount of Duty than they ought to have done, not to renew their Compositions, but may compound de novo.

VI. And be it enacted, That no Contract of Composition shall be renewed under this Act with any Person who, since entering into such Contract, hath increased his Establishment of Servants, Carriages, Horses, or other Articles upon which such Composition hath been made, so that the Duties chargeable on such Establishment, under an Assessment for the Year to commence from the Fifth Day of *April* One thousand eight hundred and forty-six, would amount to more than double the Sum now payable under such Contract, nor with any Person who hath compounded on a less Amount of Duty than ought to have been included in such Composition; but nevertheless it shall be lawful for any such Person, in either of the Cases aforesaid, after he shall have made a *bonâ fide* Return of the greatest Number of Servants, Carriages, Horses, and other Articles of his Establishment, according to the Laws in force relating to the Assessed Taxes, in order to an Assessment thereon for the Year to commence from the Fifth Day of *April* One thousand eight hundred and forty-six, and shall be duly assessed for that Year, to compound *de novo* on the Amount so assessed in respect of the Articles herein enumerated, together with the additional Duty chargeable on Contracts of Composition entered into under this Act.

Persons who have compounded under former Acts giving Notice of Reduction

VII. Provided always, and be it enacted, That no Person who hath compounded under the said former Acts, and who hath given or shall give Notice in this present Year in pursuance of the said Acts of his Intention to discontinue any Part of his increased Establishment of Servants, Carriages, Horses, or other Articles in the Manner provided by

by the said Acts, shall be allowed to renew his former Contract of Composition, or to enter into any new Contract of Composition under this Act, except upon the Amount of an Assessment to be made on a *bonâ fide* Return of the greatest Number of Servants, Carriages, Horses, and other such Articles as aforesaid kept or used or employed by him in the Year commencing from the Fifth Day of *April* One thousand eight hundred and forty-five, together with the additional Duty chargeable thereon under this Act, in the same Manner as if such Person had not compounded under the said former Acts, notwithstanding the said Notice, or any thing contained in the said former Acts or in this Act.

in their Establishment not to renew their Compositions, but may compound de novo.

VIII. Provided also, and be it enacted, That no Composition shall be entered into under this Act with any Person who shall have resided out of *Great Britain* before the passing of this Act for a temporary Purpose only, and who shall be assessable to the said Duties, for the Year ending the Fifth Day of *April* One thousand eight hundred and forty-six, to a less Amount than he was assessed before his Departure from *Great Britain*, nor shall any Composition be entered into or renewed with any Person who shall be residing out of the United Kingdom.

Persons having diminished their Establishment during their Residence abroad and those Persons residing abroad not to compound.

IX. And be it enacted, That if any Person having compounded under the said former Acts shall have reduced his Establishment so that he may be chargeable with a less Amount of Assessed Taxes for the Year commencing from the Fifth Day of *April* One thousand eight hundred and forty-six than the Amount of Duty compounded for, and shall by reason thereof be desirous of waiving the said Composition, and of compounding *de novo*, it shall be lawful for him so to do, upon giving Notice in Writing of such his Intention to the Surveyor of Taxes for the District in which such Person shall reside, on or before the said Fifth Day of *April* One thousand eight hundred and forty-six, and annexing to such Notice a full, true, and complete Return or List of the greatest Number of Articles chargeable with Duty kept and retained or employed by such Person after the Fifth Day of *April* One thousand eight hundred and forty-five, so that an Assessment may be duly made for the Year to commence from the Fifth Day of *April* One thousand eight hundred and forty-six on all the Articles chargeable for that Year; and it shall be lawful for the Commissioners to enter into Composition *de novo* with the Person giving the Notice aforesaid, upon the Amount of such Assessment as aforesaid, with the additional Duty chargeable thereon under this Act, as if such Person had not compounded under the said former Acts.

Persons having compounded and reduced their Establishments may compound de novo on the Assessment of 1846.

X. And be it enacted, That where any Person who hath compounded under the said former Acts, and shall renew such Composition under this Act, shall have kept or employed or used any taxable Articles of a Description allowed to be compounded for under this Act, but of a different Description from those included in such his former Composition, and for which Articles he is or will be liable to be

Persons who keep taxable Articles not included in a renewed Contract of Composition may com-

pound for the same by a separate Contract.

be assessed for the Year ending the Fifth Day of *April* One thousand eight hundred and forty-six, it shall be lawful for such Person, upon being duly assessed for such Articles not included in the renewed Composition, to compound for the same by a separate and distinct Contract, on the same Terms and in the like Manner as any Person who hath not compounded under the said former Acts may enter into an original Contract of Composition under this Act.

Compounders entitled to the like Privileges of increasing Establishments, &c. as under former Acts.

XI. And be it enacted, That every Person entering into or renewing any Composition under this Act shall be entitled to the like Privileges of setting up or retaining, and keeping, using, or employing any additional Articles of the same Description, and chargeable under the same Schedule and Number of the Schedule, or with the same or a lower Rate of Duty as the Articles compounded for composing his Establishment, and to and for his own Use but not otherwise, as the Persons compounding under the said former Acts are now by Law entitled to, and shall be exempt from all Assessments on such additional Articles of his Establishment during the Term mentioned in such Composition, save and except that no Person who shall compound or renew any Composition under this Act for any Dog chargeable with a less Rate of Duty than Fourteen Shillings shall be entitled to keep free of Duty any Hound, Pointer, Setting Dog, Spaniel, Terrier, or Lurcher; nor shall any Person who shall have compounded for any Dog or Dogs other than Hounds, and not for any Hound, keep free of Duty any Hound; nor shall any Person who shall have compounded for any less Number of Hounds than Ten keep free of Duty any additional Number of Hounds; neither shall any Person keep free of Duty any Greyhound, unless he shall have compounded for a Greyhound; in all which excepted Cases, as well as in all Cases where Articles of any Description excluded from Composition by this Act shall be kept, retained, employed, or used, Assessments and further or increased Charges shall be made; and the Penalties which may be incurred under any of the Acts relating to Assessed Taxes shall and may be sued for, prosecuted, and recovered according to the Provisions of the said several Acts as fully and effectually as if no Composition had been made or renewed under this Act.

Exceptions as to certain Descriptions of Dogs.

Persons compounding for Servants, Carriages, and Horses at the higher Rates of Duty entitled to keep free of Duty Servants, Carriages, and Horses chargeable at lower Rates.

XII. And be it enacted, That it shall be lawful for every Person who shall enter into or renew any Composition under this Act in respect of any Male Person employed in any of the Capacities described in and chargeable with Duty under the said Schedule marked (C.) No. 1. of the said respective Acts of the Forty-eighth and Fifty-second Years of King *George* the Third to retain, keep, and employ free of Duty any other Male Person or Number of Male Persons employed in the same Capacity, or in any other Capacity chargeable with the same or any lower Rate of Duty, and allowed by this Act to be compounded for; and it shall be lawful for every Person who shall enter into or renew any Composition as aforesaid in respect of any Carriage of whatever Description chargeable with Duty, and allowed by this Act to be compounded for, to set up, keep, and use free of Duty any other Carriage or Number of Carriages

of

of the same Description, or of any other Description chargeable with the same or a lower Rate of Duty, and allowed to be compounded for as aforesaid; and it shall also be lawful for every Person who shall enter into or renew any Composition as aforesaid in respect of any Horse chargeable with Duty under the Schedule marked (E.) No. 1. of the said respective Acts to keep and use free of Duty any additional Number of Horses chargeable with Duty under the same Schedule, or any Horse or Horses chargeable with any lower Rate of Duty, and allowed to be compounded for as aforesaid.

Persons assessed or having compounded for a Carriage at a lower Rate of Duty entitled to substitute for it in their Composition Contract a Carriage at a higher Rate.

XIII. And be it enacted, That where any Person intending to compound under this Act is or shall be assessed for the Year ending on the Fifth Day of *April* One thousand eight hundred and forty-six in respect of any Carriage with Four Wheels, and drawn by One Horse only, or any Carriage of whatever Description chargeable with the same Rate of Duty as the last-mentioned Carriage or a lower Rate, and also where any Person intending to renew any Contract of Composition now in force hath by such Contract compounded for any such Carriage as aforesaid, and where any such Person in either of the Cases aforesaid, after the Fifth Day of *April* One thousand eight hundred and forty-five, shall have set up, kept, or used, or shall intend to set up, keep, or use, any Carriage chargeable with a higher Rate of Duty than that for which he shall have been so assessed or hath compounded as aforesaid, it shall be lawful for him, if he shall think fit, to compound or to renew his Composition under this Act for a Carriage at such higher Rate, upon giving Notice thereof in Writing to the Surveyor of the Division in which he shall reside within the Time herein limited for giving Notice of Intention to compound, and thereupon such Carriage at the higher Rate of Duty shall be substituted in the Contract to be entered into under this Act for the making or Renewal of such Composition for and in lieu of One such Carriage at the lower Rate; and where any Person who shall have entered into any Contract for the making or Renewal of any Composition under this Act in respect of any Carriage with Four Wheels, and drawn by One Horse only, or any Carriage of whatever Description chargeable with the same Rate of Duty as such last-mentioned Carriage or a lower Rate, and such Person at any Time after the entering into such Contract shall be desirous of setting up and keeping under such Composition any Carriage chargeable with a higher Rate of Duty, such Person shall give Notice thereof to the Surveyor of the Division in which he shall reside One Calendar Month at least before setting up or keeping or using such Carriage chargeable with the higher Rate of Duty; and the said Surveyor shall transmit such Notice to the Clerk of the Commissioners acting for the said Division, and such Clerk shall cause to be endorsed upon each Part of the Contract of Composition, and to be signed by Two of the said Commissioners, a Certificate of such Notice, and of the additional Duty to be paid on such Contract in that Behalf; (that is to say,) there shall be payable thereon annually, during the Remainder of the Term of Composition, the Difference between the Rate of Duty chargeable on one such Carriage which shall have been compounded for as aforesaid and the Rate of Duty chargeable on the Carriage intended to be set up, kept,

Persons having compounded for a Carriage at a lower Rate of Duty entitled to set up under their Composition a Carriage chargeable at a higher Rate, on Payment of the Difference of Duty.

and

and used as aforesaid, together with the several additional Per-centage Rates of Duty payable under the said Contract, to be computed upon such Difference; and such additional Duties shall be payable for the whole Year, commencing from the Fifth Day of *April* next preceding the Date of such endorsed Certificate, and shall be paid during all the Remainder of the Term of Composition by half-yearly Instalments, and be collected, levied, and recovered in like Manner as if the same had been comprised in the Body of the said Contract; and after such Notice, and the Endorsement of such Certificate as aforesaid, it shall be lawful for the Person compounding as aforesaid to set up, keep, and use any such Carriage as aforesaid, with the like Privileges and Immunities during the Remainder of the said Term as he would have been entitled to if he had originally compounded in respect of such Carriage chargeable at the higher Rate of Duty.

Compositions with Persons afterwards succeeding to Estates on the Death of any Person, or on Marriage, and increasing their Establishments beyond a certain Extent, to cease, with Power to compound de novo.

XIV. And be it enacted, That every Composition entered into or renewed under this Act with any Person herein-after described shall cease and determine at the respective Times herein-after mentioned; (that is to say,) if any Person who shall compound or renew any Composition under this Act shall afterwards come into possession of any Estate, Real or Personal, or become entitled to the Rents or Profits of any Estate, Real or Personal, upon the Death of any Person, whether by Descent, Devise, Bequest, Gift, or Settlement, or under the Statute for the Distribution of Estates of Intestates, and shall thereupon or afterwards begin to keep any greater Number of Servants, Carriages, Horses, or other taxable Articles of the Description comprised in such Composition, whereby the Establishment of the Person compounding shall be increased, so that the Duties which would be chargeable thereon under an Assessment, if no such Composition had been made, would exceed by One Fourth or more the Amount of the Duties payable under such Composition, then and in every such Case the Composition entered into or renewed under this Act by any such Person herein-before described shall cease and determine on the Fifth Day of *April* next after any such Increase of Establishment shall take place; and if any Person shall intermarry after entering into or renewing any Composition under this Act, and shall by such Marriage come into the Possession or to the Use or Enjoyment of the Rents or Profits of any Estate, Real or Personal, belonging to his Wife before Marriage, whether upon such Marriage the Husband shall acquire any Interest in Law or Equity in such Estate or not, or whether the said Estate shall remain in or be vested to the sole Use of the Wife or not, in case the Husband shall, upon or after such Marriage, retain or keep any Servants, Carriages, Horses, or other Articles of the Description aforesaid kept by or belonging to his Wife before Marriage, or in case the Wife shall, after such Marriage, retain her former Establishment or any Part thereof, or in case the Husband or Wife shall, upon or after such Marriage, begin to keep any other Servants, Carriages, Horses, or other Articles of the Description aforesaid, in lieu of the like Articles of the Establishment of the Wife before Marriage, so that the Husband, if no Composition had been entered into, would have been assessable to an Amount of Duty exceeding by

One Fourth the Amount of the Duties payable under such Composition, then and in such Case the Composition entered into or renewed under this Act by any such Person so intermarrying as aforesaid shall cease and determine on the Fifth Day of *April* next after such Marriage shall take place, or such increased Establishment shall begin to be kept: Provided always, that in all the several Cases in which the Composition is determined and made to cease by this Act for any of the respective Causes aforesaid it shall be lawful for every such Person as aforesaid, after he shall have made a *bonâ fide* Return of the greatest Number of Servants, Carriages, Horses, and other Articles for which he shall be chargeable with any Duty of Assessed Taxes, in order to an Assessment thereon for the Year commencing on the Sixth Day of *April* next after the Determination of such Composition, and upon being duly assessed for that Year, to compound *de novo* for the Remainder of the Term limited by this Act then to come and unexpired on the Amount so assessed on him in respect of such of the said Articles as are allowed to be compounded for under this Act, together with the additional Duty chargeable thereon under this Act, and as if such Person had not before compounded.

Composition Contracts of married Women to cease.

XV. And be it enacted, That no Contract of Composition shall be entered into or renewed under this Act with any married Woman, and that every such Contract which shall be entered into or renewed with any unmarried Woman who shall afterwards marry shall cease and determine on the Fifth Day of *April* next after her Marriage.

Commissioners and Officers acting in the Execution of the Acts relating to Assessed Taxes to execute this Act.

XVI. And be it enacted, That the several Persons who for the Time being shall be Commissioners for putting in execution the Acts relating to Assessed Taxes shall be Commissioners for putting in execution this Act, and the Powers herein contained or referred to, in all and every the respective Counties, Ridings, Divisions, Shires, and Stewartries, Cities, Boroughs, Cinque Ports, Towns, and Places in *Great Britain;* and the several Assessors, Collectors, Surveyors, Inspectors, and other Officers for the Time being appointed or to be appointed to put into execution the said Acts shall respectively be Assessors, Collectors, Surveyors, Inspectors, and Officers to put in execution this Act within the Limits of their respective Divisions, Districts, and Places to which they are or shall be appointed; and the respective Commissioners and other Persons authorized by the said former Acts to contract and agree for Compositions for Assessed Taxes, or to do or perform any other Matter or Thing for carrying the said Acts into execution, shall respectively contract and agree for the Compositions to be entered into or renewed under this Act, and shall do and perform all such other Matters and Things as are required to be done and performed in the Execution of this Act within the Limits of their respective Jurisdictions; and all Powers, Authorities, Rules, Regulations, Directions, Clauses, Penalties, Matters, and Things contained in any former Act or Acts relating to Assessed Taxes or to Compositions for Assessed Taxes, and now in force, shall severally and respectively be construed and deemed to apply to the Compositions to be made and renewed respectively under this Act, and

Powers and Provisions of former Acts to remain and to be applied to the Compositions under this Act.

and shall, so far as the same shall be consistent with and shall not be superseded by the express Provisions of this Act, be observed, applied, enforced, and put in execution with relation to the Compositions to be made and renewed respectively under this Act, and for the raising, levying, paying, and accounting for the Monies to arise under this Act, and for the Prevention and Punishment of Fraud, Imposition, and Evasion in relation thereto, as fully and effectually to all Intents and Purposes as if such Powers, Authorities, Rules, Regulations, Directions, Clauses, Penalties, Matters, and Things had been herein repeated and specially enacted with reference to the Compositions respectively to be made and renewed under this Act.

Persons intending to compound or to renew any Composition to give Notice thereof, together with a Statement of the Articles of Composition.

XVII. And be it enacted, That every Person intending to compound under this Act shall, on or before the Fifth Day of *April* One thousand eight hundred and forty-six in *England*, and on or before the Term of *Whitsunday* in the same Year in *Scotland*, deliver or cause to be delivered, free of Charge, to the Surveyor of Taxes for the Division in which such Person shall reside, a Notice in Writing in such Form as shall be provided by the Commissioners of Stamps and Taxes in that Behalf, declaring the Intention of such Person to compound, which Notice shall be signed by such Person (or by some authorized Agent on his Behalf residing in such Division, and whose Place of Residence shall be specified in such Notice) in the Presence of one of the Assessors or Collectors of the said Duties for the same Parish or Place where the Person intending to compound shall reside, or in the Presence of such Surveyor, who respectively shall subscribe his Name thereto as attesting such Signature; and every such Notice shall bear Date on the Day of signing the same, and shall contain a full, true, and complete Return or List of the greatest Number of Servants, Carriages, Horses, and all other Articles of his Establishment chargeable with Duty upon which he shall be entitled to compound under this Act, and which have been kept, retained, or employed by him at any Time during the Year commencing from the Fifth Day of *April* One thousand eight hundred and forty-four; and every Person intending to renew his former Composition under this Act shall, on or before the respective Days or Times herein-before limited for the Delivery of such Notices as aforesaid, deliver or cause to be delivered, in like Manner, to such Surveyor as aforesaid, the Contract of his former Composition, or a true Copy or Certificate thereof, under the Hands of any Two of the Commissioners acting for the Division in which such Contract was entered into, together with a Notice in such Form as shall be provided by the said Commissioners of Stamps and Taxes in that Behalf, and signed and attested in the Manner herein-before directed with regard to Notices of Intention to compound, declaring the Intention of such Person to renew such former Composition, and contain a full, true, and complete Return or List of the greatest Number of Servants, Carriages, Horses, and other Articles of his Establishment chargeable with Duty which shall have been kept and retained or employed by such Person at any Time during the Year commencing from the Fifth Day of *April* One thousand eight hundred and forty-five.

XVIII. And

Persons assessed in Places other than where they reside to deliver Certificates of Assessments to the Surveyo

XVIII. And be it enacted, That every Person who shall be assessed for any Servants, Carriages, Horses, or other taxable Articles, for the Year ending the Fifth Day of *April* One thousand eight hundred and forty-six, in Two or more Divisions in *Great Britain*, or who shall be assessed for that Year in a different Division from that in which he resides, and who shall be desirous of compounding under this Act, shall deliver or cause to be delivered, in manner aforesaid, to the Surveyor of Taxes to whom he is by this Act required to give Notice of his Intention to compound, a Certificate under the Hand of the Surveyor of the Division, or of each Division in which he shall be so assessed as aforesaid, containing the Particulars of such Assessment in every such Division, according to such Form as shall be provided by the Commissioners of Stamps and Taxes in that Behalf.

Surveyor to examine Notices of Intention to compound or renew Compositions, and to deliver the same with his Certificate to the Commissioners.

XIX. And be it enacted, That all such Notices and Contracts, or Copies or Certificates of Contracts, and Certificates of Assessment, by this Act directed to be delivered to the Surveyors of Taxes by Persons intending to compound or to renew any Composition, may respectively be retained in the Hands of the said Surveyors respectively until the Expiration of Two Calendar Months after the Delivery thereof; and every such Surveyor shall carefully and diligently inspect and examine every Assessment relating to the Persons so applying to compound or to renew any Composition as aforesaid, and every Contract of Composition entered into under the said former Acts by any such Persons respectively, and also any Notices which may have been delivered by such Persons under the said Acts to discontinue any increased Establishment set up under any such former Contract; and after such Examination thereof every such Surveyor shall deliver all such Notices and Contracts, or Copies or Certificates of Contracts, and Certificates of Assessment, to the Clerks of the respective Commissioners authorized by this Act to contract for such Compositions, and for the Renewal of such former Compositions; and such Surveyor shall also certify to the said Commissioners either his Satisfaction with the Notices delivered in such Cases, or his Objection thereto, and the Grounds of such Objection, and the Amount of Duty on which every such Composition ought to be made or renewed; and no Composition shall be entered into or renewed in any of the Cases so objected to until a full and complete Return shall be made of every Article chargeable with Duty on which the Composition ought to be made under the Provisions of this Act; and every Composition entered into or renewed contrary to the Provisions of this Act shall be void and of no Effect, and the Person entering into or renewing the same shall be liable to Assessment and to the Charge of the respective Surveyors, according to the Provisions of the Acts in force relating to Assessed Taxes, as if no Composition had been entered into or renewed.

Errors or Mistakes in Compositions may be amended.

XX. Provided always, and be it enacted, That where by any Error or Mistake the just Amount of Duty shall not be duly computed or inserted in the Contract of Composition, it shall be lawful for the Commissioners of Stamps and Taxes, by Certificate under the Hands of

of any Two or more of them directed to the Commissioners of the Division by whom such Contract shall have been made or allowed, to certify such Error or Mistake, and to direct the same to be amended or a new Contract made and executed in such Manner as may seem to the said Commissioners of Stamps and Taxes to be expedient to obviate such Error or Mistake, and conformable to the true Intent and Meaning of this Act; and the Commissioners to whom such Certificate shall be directed shall cause such Contract to be amended or a new Contract to be entered into accordingly.

Composition Contracts not liable to Stamp Duty.

XXI. And be it enacted, That no Contract for the making or renewing of any Composition under this or any former Act shall be liable to any Stamp Duty.

Act may be amended this Session.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULE containing the FORMS referred to in the foregoing Act.

CONTRACT of COMPOSITION for ASSESSED TAXES, under Vict. c. entered into with of in the Parish of in the Division of in the County of in respect of the under-mentioned Duties; viz.

No.	Establishment.	Chargeable under	Amount of Duties. £ s. d.
	Servants	Schedule (C.) No. 1.	
	Servants	Schedule (C.) No. 3.	
	Under Gamekeepers	59 Geo. 3. c. 118. s. 5.	
	Four-wheel Carriages	Schedule (D.) No. 1.	
	Four wheel Carriages drawn by One Horse	1 W. 4. c. 35. s. 4.	
	Four-wheel Carriages, with Wheels of less Diameter than 30 Inches, and drawn by Ponies not exceeding 13 Hands in Height	1 W. 4. c. 35. s. 4.	
	Two-wheel Carriages drawn by One Horse	Schedule (D.) No. 2.	
	Two-wheel Carriages drawn by Two Horses	Schedule (D.) No. 2.	
	Horses	Schedule (E.) No. 1.	
	Horses	Schedule (F.) No. 1.	
	Horses not exceeding 13 Hands in Height	59 Geo. 3. c. 13. s. 3.	
	Race Horses	5 & 6 W. 4. c. 64. s. 15.	
	Dogs; viz., Hounds, Pointers, Setting Dogs, Spaniels, Terriers, and Lurchers	Schedule (G.)	
	Greyhounds	Schedule (G.)	
	Other Dogs	Schedule (G.)	
	Hair Powder	Schedule (I.)	
	Armorial Bearings	Schedule (K.)	
	Composition Duty of £5 per Cent., under the	Vict. c.	
	Additional £10 per Cent., under the 3 Vict. c. 17.		
	Total Annual Payment	£	

We, the undersigned, Two of the Commissioners acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the Division of aforesaid, have, by virtue and in pursuance of the said Act Vict. c. contracted and agreed with the above-named for a Composition for the Duties of Assessed Taxes above specified for the Term of Five Years, to be computed from the 5th Day of April 1846; and for such Composition the said his Executors or Administrators, shall well and truly pay or cause to be paid to the Collectors of the Duties of Assessed Taxes for the said Parish of or one of them, for the Use of Her Majesty, in each and every Year of the said Term, the Sum of being the Amount of the Duties above stated, together with the several Per-centage Rates granted by the several Acts of Parliament in that Behalf; and such Payment shall be made by Two equal half-yearly Instalments; viz.,

First Instalment on or before the 10th Day of October,
Second Instalment on or before the 5th Day of April,

in each and every Year of the Term aforesaid.

Dated this Day of 184 .

_____ } Commissioners.
_____ }

_____ the Party hereto.

Witness to the signing by the said Commissioners }
_____ Clerk.

Witness to the signing by the within-named Party }
_____ Clerk.

RENEWED

RENEWED CONTRACT of COMPOSITION for ASSESSED TAXES, under Vict. c. entered into with of in the Parish of in the Division of in the County of in respect of the under-mentioned Duties; viz.

No.	Establishment.	Chargeable under	Amount of Duties. £ s. d.
	Servants	Schedule (C.) No. 1.	
	Servants	Schedule (C.) No. 3.	
	Under Gamekeepers	59 Geo. 3. c. 118. s. 5.	
	Four-wheel Carriages	Schedule (D.) No. 1.	
	Four-wheel Carriages drawn by One Horse	1 Will. 4. c. 35. s. 4.	
	Four-wheel Carriages, with Wheels of less Diameter than 30 Inches, and drawn by Ponies not exceeding 13 Hands in Height	1 Will. 4. c. 35. s. 4.	
	Two-wheel Carriages drawn by One Horse	Schedule (D.) No. 2.	
	Two-wheel Carriages drawn by Two Horses	Schedule (D.) No. 2.	
	Horses	Schedule (E.) No. 1.	
	Horses	Schedule (F.) No. 1.	
	Horses not exceeding 13 Hands in Height	59 Geo. 3. c. 13. s. 3.	
	Race Horses	5 & 6 Will. 4. c. 64. s. 15.	
	Dogs; viz., Hounds, Pointers, Setting Dogs, Spaniels, Terriers, and Lurchers	Schedule (G.)	
	Greyhounds	Schedule (G.)	
	Other Dogs	Schedule (G.)	
	Hair Powder	Schedule (I.)	
	Armorial Bearings	Schedule (K.)	
	Composition Duties; viz. [Specify the Amount, with the Rates per Cent., and the Acts under which the same are chargeable.]		
	Additional £10 per Cent., under the 3 Vict. c. 17.		
	Total Annual Payment		£

We, the undersigned, Two of the Commissioners acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the Division of aforesaid, have, by virtue and in pursuance of the said Act Vict. c. contracted and agreed with the above-named for the Renewal of the Composition heretofore entered into by him, in pursuance of the Statutes in that Behalf, for the Duties of Assessed Taxes above specified, and which Renewal we do hereby make for the Term of Five Years, to be computed from the 5th Day of April 1846; and for such Composition and Renewal the said his Executors or Administrators, shall well and truly pay or cause to be paid to the Collectors of the Duties of Assessed Taxes for the said Parish of or one of them, for the Use of Her Majesty, in each and every Year of the said Term, the Sum of being the Amount of the Duties above stated, together with the several Per-centage Rates granted by the several Acts of Parliament in that Behalf; and such Payment shall be made by Two equal half-yearly Instalments; viz.,

First Instalment on or before the 10th Day of October,
Second Instalment on or before the 5th Day of April,

in each and every Year of the Term aforesaid.

Dated this Day of 184

} Commissioners.

the Party hereto.

Witness to the signing by the said Commissioners }

Clerk.

Witness to the signing by the within-named Party }

Clerk.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

CAP. XXXVII.

An Act to regulate the Issue of Bank Notes in *Ireland*, and to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of *Ireland* for the Public Service.

[21st *July* 1845.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Twenty-first and Twenty-second Years of the Reign of His Majesty King *George* the Third, intituled *An Act for establishing a Bank by the Name of the Governors and Company of the Bank of* Ireland, it was amongst other things enacted, that from and after the passing of that Act it should not be lawful for any Body Politic or Corporate erected or to be erected, other than the Corporation thereby intended to be created and erected into a National Bank, or for any other Persons whatsoever united or to be united in Covenants or Partnership exceeding the Number of Six Persons, to borrow, owe, or take up any Sum or Sums of Money on their Bills or Notes payable at demand, or at any less Time than Six Months from the borrowing thereof, under a Penalty or Forfeiture by such Persons, Bodies Politic or Corporate, of treble the Sum or Sums so to be borrowed or taken upon such Bill or Bills, Note or Notes, one Moiety thereof to be paid to the Informer, and the other to the Use of His Majesty, His Heirs and Successors,

21 & 22 G. 3. (I.)

Successors, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Dublin*: And whereas, in pursuance of the Powers in the said Act of Parliament contained, a Charter of Incorporation was granted to certain Persons, by the Name of the Governor and Company of the Bank of *Ireland*: And whereas by an Act passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to establish an Agreement with the Governor and Company of the Bank of* Ireland *for advancing the Sum of Five hundred thousand Pounds* Irish *Currency, and to empower the said Governor and Company to enlarge the Capital Stock or Fund of the said Bank to Three million Pounds*, it was enacted, that it might be lawful for any Number of Persons in *Ireland* united or to be united in Society or Partnership, and residing and having their Establishments in Houses of Business at any Place not less than Fifty Miles distant from *Dublin*, to borrow, owe, or take up any Sum or Sums of Money on their Bills or Notes payable on demand, and to make and issue such Notes or Bills accordingly, payable on demand at any Place in *Ireland* exceeding the Distance of Fifty Miles from *Dublin*, all the Individuals composing such Societies or Partnerships being liable and responsible for the due Payment of such Bills or Notes; but nothing therein contained was to extend or be construed to extend to authorize any Persons exceeding Six in Number, or any Bodies Politic or Corporate, residing or having their Establishment or House of Business within the Distance of Fifty Miles from *Dublin*, to make or issue any Bill or Bills of Exchange, or any Promissory Note or Notes, contrary to the Provisions of the said in part recited Act of the Twenty-first and Twenty-second Years of the Reign of King *George* the Third: And whereas by another Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better Regulation of Copartnerships of certain Bankers in* Ireland, and by another Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to explain Two Acts of His present Majesty, for establishing an Agreement with the Governor and Company of the Bank of* Ireland *for advancing the Sum of Five hundred thousand Pounds* Irish *Currency, and for the better Regulation of Copartnerships of certain Bankers in* Ireland, such Copartnerships of Bankers established at Places beyond the Distance of Fifty Miles from *Dublin* were authorized to transact certain Matters of Business by Agents in *Dublin* or within the Distance of Fifty Miles thereof: And whereas the said Governor and Company at different Times advanced, for the Public Service, to His Majesty King *George* the Third, the several Sums of Six hundred thousand Pounds, Five hundred thousand Pounds, and One million two hundred and fifty thousand Pounds, late *Irish* Currency, and in respect thereof the said Governor and Company were entitled to certain Annuities payable at the Receipt of the Exchequer in *Dublin*: And whereas by an Act passed in the Forty-eighth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for further extending the Provisions of several Acts for establishing the Bank of* Ireland, *and for empowering the Governor and Company of the said Bank to advance the Sum of One million two hundred and fifty thousand Pounds* Irish *Currency towards the Service of the Year One thousand eight hundred and eight*, it was

1 & 2 G. 4. c. 72.

6 G. 4. c. 42.

11 G. 4. & 1 W. 4. c. 32.

48 G. 3. c. 103. s. 10.

amongst other things enacted, that at any Time after the First Day of *January* in the Year of our Lord One thousand eight hundred and thirty-seven, upon Twelve Months Notice, to be published in the *Dublin Gazette* by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, the said Corporation of the Bank was to be dissolved; and upon Repayment by Parliament to the said Governor and Company of the Bank of *Ireland*, or their Successors, of the said several Sums of Six hundred thousand Pounds, Five hundred thousand Pounds, and One million two hundred and fifty thousand Pounds, and also of all Arrears of the several Annuities payable in respect of the said Three several Capital Sums, if any such Arrear should then be due, or at any Time previous to the said First Day of *January* One thousand eight hundred and thirty-seven, upon like Repayment by and with the Desire and Consent of the said Governor and Company, to be signified by them by their Petition in Writing sealed with their Common Seal, and addressed to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, then and in such Case the said several Annuities should from and after the Expiration of Twelve Months after such Notice published, cease and determine, and the said Corporation should be dissolved: And whereas in pursuance of the said recited Act passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to establish an Agreement with the Governor and Company of the Bank of* Ireland *for advancing the Sum of Five hundred thousand Pounds* Irish *Currency, and to empower the said Governor and Company to enlarge the Capital Stock or Fund of the said Bank to Three Millions*, the said Governor and Company of the Bank of *Ireland* advanced for the Public Service, to His Majesty King *George* the Fourth, the Sum of Five hundred thousand Pounds late *Irish* Currency, at Interest, making, with the said Three several Sums of Six hundred thousand Pounds, Five hundred thousand Pounds, and One million two hundred and fifty thousand Pounds, late *Irish* Currency, previously advanced, the Sum of Two million eight hundred and fifty thousand Pounds, equal to Two million six hundred and thirty thousand seven hundred and sixty-nine Pounds Four Shillings and Eight-pence Sterling Money of the United Kingdom of *Great Britain* and *Ireland*: And whereas by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of* Ireland *for the Public Service*, it was amongst other things enacted, that from and after the passing of the said Act there should be paid and payable, but subject to the Condition of Redemption therein-after contained, at the Receipt of Her Majesty's Exchequer in *Dublin*, to the Governor and Company of the said Bank of *Ireland*, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, an Interest or Annuity of One hundred and fifteen thousand three hundred and eighty-four Pounds Twelve Shillings and Four-pence, Money of the United Kingdom, being a Sum equal to the several Annuities and Interest theretofore payable in respect of the Principal Money due to the said Governor and Company as aforesaid, by Two equal half-yearly Payments, without any Defalcation or Abatement, on the Fifth Day of *January* and the Fifth Day

1 & 2 G. 4. c. 72.

3 & 4 Vict. c. 75.

Day of *July* in each Year, the first Payment of the said Interest or Annuity to be made on the Fifth Day of *January* in the Year One thousand eight hundred and forty-one; and it was by the last-mentioned Act further provided, that the said last-mentioned Annuity should be redeemable at any Time after the First Day of *January* One thousand eight hundred and forty-one, on Six Months Notice to the said Governor and Company, and on Repayment to them of the said several Sums of Six hundred thousand Pounds, Five hundred thousand Pounds, One million two hundred and fifty thousand Pounds, and Five hundred thousand Pounds, late *Irish* Currency, together with all Arrears of the said Annuity of One hundred and fifteen thousand three hundred and eighty-four Pounds Twelve Shillings and Four-pence: And whereas the last-mentioned Annuity has, by Consent of the said Governor and Company, been reduced to an Annuity of Ninety-two thousand and seventy-six Pounds Eighteen Shillings and Five-pence of *British* Currency: And whereas it is expedient that the exclusive Privilege of Banking granted to the said Governor and Company by the said recited Act of the Parliament of *Ireland*, or by any other Act or Acts of Parliament now in force, should cease, but that the said Governor and Company should continue a Corporation, with full Power and Authority to carry on the Business of Bankers, subject to the Regulations herein-after contained; and the said Governor and Company of the Bank of *Ireland* have agreed to continue the Management in *Ireland* of so much of the Public Debt of the United Kingdom as shall for the Time being require to be transacted in *Ireland*, and of all Loans and other Creations of Stock which shall at any Time be made in *Ireland*, and of any Public Annuities for Lives or for Years which may be payable in *Ireland*, free of all Charge and Expence whatever for such Management, or for their Trouble in the Payment of the Interest of the said Public Debt or Annuities from Time to Time during the Continuance of the said Corporation under the Provisions of this Act; and it hath been further agreed that the said Governor and Company shall continue to receive the said Annuity of Ninety-two thousand and seventy-six Pounds Eighteen Shillings and Five-pence, being an annual Interest at and after the Rate of Three and a Half *per Centum per Annum*, for and in respect of the said Capital Sum of Two million six hundred and thirty thousand seven hundred and sixty-nine Pounds Four Shillings and Eight-pence, and that the Repayment of the last-mentioned Sum shall be postponed till the Expiration of Six Months after Notice to be given by the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to the said Governor and Company of their Intention to pay off the same, or by the said Governor and Company to the said Commissioners of Her Majesty's Treasury requiring Payment thereof, such Notice not to be given by either Party before the First Day of *January* One thousand eight hundred and fifty-five: And whereas by an Act passed in the Seventh and Eighth Years of the Reign of Her Majesty, intituled *An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of* England *certain Privileges for a limited Period*, it was enacted, that from and after the passing of that Act no Person, other than a Banker who on the Sixth Day of *May* One thousand eight hundred and forty-four was lawfully issuing

7 & 8 Vict. c. 32. s. 10.

issuing his own Bank Notes, should make or issue Bank Notes in any Part of the United Kingdom: And whereas it is expedient to regulate the Issue of Bank Notes by the said Governor and Company of the Bank of *Ireland*, and by such other Bankers as are now by Law authorized to issue Bank Notes in *Ireland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Sixth Day of *December* One thousand eight hundred and forty-five so much of the said recited Act of the Parliament of *Ireland* of the Twenty-first and Twenty-second Years of the Reign of His Majesty King *George* the Third as prohibits any Body Politic or Corporate erected or to be erected, other than the Governor and Company of the Bank of *Ireland*, or for any other Persons whatsoever united or to be united in Covenants or Partnership exceeding the Number of Six Persons, to borrow, owe, or take up any Sum or Sums of Money on their Bills or Notes payable at demand, or at any less Time than Six Months from the borrowing thereof, shall be and the same is hereby repealed; and that from and after the said Sixth Day of *December* One thousand eight hundred and forty-five it shall and may be lawful for any Persons exceeding Six in Number united or to be united in Societies or Partnerships, or for any Bodies Politic or Corporate, to transact or carry on the Business of Bankers in *Ireland* at *Dublin*, and at every Place within Fifty Miles thereof, as freely as Persons exceeding Six in Number united as aforesaid may lawfully carry on the same Business at any Place in *Ireland* beyond the Distance of Fifty Miles from *Dublin*: Provided always, that every Member of any such Society, Partnership, Bodies Politic or Corporate, shall be liable and responsible for the due Payment of all the Debts and Liabilities of the Corporation or Copartnership of which such Person shall be a Member, any Agreement, Covenant, or Contract to the contrary notwithstanding.

Restriction on Bankers by 21 & 22 G. 3. (Ireland) repealed.

Authorizing certain Banking Copartnerships to carry on Business in Dublin or within 50 Miles thereof.

II. And be it enacted, That from and after the passing of this Act the Repayment of the said Sum of Two million six hundred and thirty thousand seven hundred and sixty-nine Pounds Four Shillings and Eight-pence shall be and the same is hereby made chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* until Parliament shall otherwise provide, and there shall be paid and payable, but subject to the Condition of Redemption herein-after contained, at the Receipt of Her Majesty's Exchequer in *Dublin*, to the Governor and Company of the said Bank of *Ireland*, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in respect of the said Capital Sum of Two million six hundred and thirty thousand seven hundred and sixty-nine Pounds Four Shillings and Eight-pence so now due by the Public to the said Governor and Company, the aforesaid Annuity of Ninety-two thousand and seventy-six Pounds Eighteen Shillings and Five-pence, being an Interest or Annuity at and after the Rate of Three Pounds Ten Shillings *per Centum per Annum*, in the now lawful Currency of the United Kingdom, by Two equal half-yearly Pay-

Interest at the Rate of Three and a Half per Centum per Annum made payable to the Bank.

ments, without any Defalcation or Abatement, on the Fifth Day of *January* and the Fifth Day of *July* in each Year.

Bank shall manage the Public Debt of Ireland, and pay Dividends without Expence to Government.

III. And be it enacted, That from and after the passing of this Act the said Governor and Company of the Bank of *Ireland* shall from Time to Time and at all Times during the Continuance of their Charter, and until the said Corporation shall be dissolved pursuant to the Provisions of this Act, continue to manage and to pay all Interest, Annuities, and Dividends payable at the said Bank in respect of such Part of the Public Debt as shall for the Time being require to be transacted in *Ireland*, or in respect of any Fund or Stock created or to be created in consequence of any Public Loan, or funding of Exchequer Bills, or Conversion of Stock in *Ireland*, or of any Public Annuities, whether for Lives or for Years, without making any Charge to Her Majesty, Her Heirs or Successors, or to the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, for their Trouble or Expence in so doing, any Law, Usage, or Custom to the contrary notwithstanding.

Bank Corporation may be dissolved on Notice after 1st of January 1855.

IV. And be it enacted, That at any Time after the First Day of *January* which will be in the Year of our Lord One thousand eight hundred and fifty-five, upon Twelve Months Notice, to be published in the *Dublin Gazette* by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, that the said Corporation of the Bank is to be dissolved, and upon Repayment by Parliament to the said Governor and Company of the Bank of *Ireland*, or their Successors, of the said Sum of Two million six hundred and thirty thousand seven hundred and sixty-nine Pounds Four Shillings and Eight-pence, together with all Arrears of Interest or Annuity due in respect thereof, then and in such Case the said Interest or Annuity shall, from and after the Expiration of Twelve Months after such Notice published, cease and determine, and the said Corporation shall be dissolved.

Repeal of so much of 33 G. 2. c. 14. s. 15. (I.) as prohibits public Officers from being Partners in Banks.

V. And whereas by an Act passed in the Parliament of *Ireland* in the Thirty-third Year of His late Majesty King *George* the Second, intituled *An Act for repealing an Act passed in this Kingdom in the Eighth Year of the Reign of King* George *the First, intituled* '*An Act for the better securing the Payment of Bankers Notes, and* '*for providing a more effectual Remedy for the Security and Pay-*'*ment of Debts due by Bankers*,' it was among other things enacted, that no Person who by reason of any Office, Employment, Deputation, or Clerkship was then or should at any Time thereafter be entrusted with the Receipt, Custody, or Payment of Public Money, or any Part of the Public Revenue of that Kingdom, should, either singly or in Partnership, so long as such Person should continue in such Office, Employment, Deputation, or Clerkship, follow the Trade or Business of a Banker, or by himself, or by any Person authorized by him, issue or give any Note or accountable Receipt as a Banker or in Partnership with any Banker, or for Profit or Reward discount any Promissory Note, or Foreign or Inland Bill of Exchange: And whereas it is expedient to repeal the said Enact-

ment; be it therefore enacted, That from and after the passing of this Act so much of the last-mentioned Act as is herein recited shall be and the same is hereby repealed.

Bank of England Notes not a legal Tender in Ireland.

VI. And whereas by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for giving to the Corporation of the Governor and Company of the Bank of* England *certain Privileges for a limited Period, under certain Conditions*, it was enacted, that from and after the First Day of *August* One thousand eight hundred and thirty-four, unless and until Parliament should otherwise direct, a Tender of a Note or Notes of the Governor and Company of the Bank of *England* expressed to be payable to Bearer on demand should be a legal Tender to the Amount expressed in such Note or Notes, and should be taken to be valid as a Tender to such Amount for all Sums above Five Pounds, on all Occasions on which any Tender of Money may be legally made, so long as the Bank of *England* should continue to pay on demand their said Notes in legal Coin; provided always, that no such Note or Notes should be deemed a legal Tender of Payment by the Governor and Company of the Bank of *England*, or any Branch Bank of the said Governor and Company: And whereas Doubts have arisen as to the Extent of the said Enactment; for Removal whereof, be it enacted and declared, That nothing in the said last-recited Act contained shall extend or be construed to extend to make the Tender of a Note or Notes of the Governor and Company of the Bank of *England* a legal Tender in *Ireland*: Provided also, that nothing in this Act shall be construed to prohibit the Circulation in *Ireland* of the Notes of the Governor and Company of the Bank of *England* as heretofore.

Proviso.

Oaths to be taken by Directors, &c. of the Bank of Ireland.

VII. And be it enacted, That from and after the passing of this Act it shall not be necessary for any Governor, Deputy Governor, or Director of the said Bank, before acting in the said several Offices or Trusts, to make and subscribe the Declaration pursuant to the Act of Parliament passed in the Kingdom of *Ireland*, intituled *An Act to prevent the further Growth of Popery*, nor to take any other Oaths than the Oath of Allegiance, the Oath of Qualification by Possession of Stock, and the Oath of Fidelity to the Corporation prescribed in and by the Charter of Incorporation of the Governor and Company of the said Bank, and that it shall not be necessary for any Member of the said Corporation, before voting in any General Court, to make and subscribe the aforesaid Declaration, nor to take any other Oaths than the Oaths of Allegiance, the Oath of Qualification by the Possession of Stock, and the Oath of Fidelity to the said Corporation provided in the said Charter of Incorporation: Provided always, that in case any of the Persons called Quakers shall at any Time be chosen Governor, Deputy Governor, or Director, or shall be or become a Member of the said Corporation, it shall be sufficient for such Person or Persons to make his or their solemn Affirmation, to the Purport and Effect of the Oaths prescribed by the said Charter and by this Act to be taken by Governors, Deputy Governors, Directors, or Members respectively of the said Corporation.

VIII. And

Bankers claiming to be entitled to issue Bank Notes to give Notice to Commissioners of Stamps and Taxes.

Commissioners to certify existing Banks of Issue and Limitation of Issue.

VIII. And be it enacted, That every Banker claiming to be entitled to issue Bank Notes in *Ireland* shall, within One Month next after the passing of this Act, give Notice in Writing to the Commissioners of Stamps and Taxes, at their head Office in *London*, of such Claim, and of the Place and Name and Firm at and under which such Banker has issued such Notes in *Ireland* during the Year next preceding the First Day of *May* One thousand eight hundred and forty-five, and thereupon the said Commissioners shall ascertain if such Banker was on the Sixth Day of *May* One thousand eight hundred and forty-four, and from thence up to the First Day of *May* One thousand eight hundred and forty-five, carrying on the Business of a Banker, and lawfully issuing his own Bank Notes in *Ireland*, and if it shall so appear, then the said Commissioners shall proceed to ascertain the average Amount of the Bank Notes of such Banker which were in Circulation during the said Period of One Year preceding the First Day of *May* One thousand eight hundred and forty-five, according to the Returns made by such Banker in pursuance of the Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to make further Provisions relative to the Returns to be made by Banks of the Amount of their Notes in Circulation*, and the said Commissioners, or any Two of them, shall certify under their Hands to such Banker the average Amount, when so ascertained as aforesaid, omitting the Fractions of a Pound, if any; and it shall be lawful for every such Banker to continue to issue his own Bank Notes after the Sixth Day of *December* One thousand eight hundred and forty-five, to the Extent of the Amount so certified, and of the Amount of the Gold and Silver Coin held by such Banker, in the Proportion and Manner herein-after mentioned, but not to any further Extent; and from and after the Sixth Day of *December* One thousand eight hundred and forty-five it shall not be lawful for any Banker to make or issue Bank Notes in *Ireland*, save and except only such Bankers as shall have obtained such Certificate from the Commissioners of Stamps and Taxes.

4 & 5 Vict. c. 50.

Prohibiting Issue by uncertified Bankers.

Provision for united Banks.

IX. Provided always, and be it enacted, That if it shall be made to appear to the Commissioners of Stamps and Taxes that any Two or more Banks have, by written Contract or Agreement (which Contract or Agreement shall be produced to the said Commissioners), become united within the Year next preceding such First Day of *May* One thousand eight hundred and forty-five, it shall be lawful for the said Commissioners to ascertain the average Amount of the Notes of each such Bank in the Manner herein-before directed, and to certify a Sum equal to the average Amount of the Notes of the Two or more Banks so united as the Amount which the united Bank shall thereafter be authorized to issue, subject to the Regulations of this Act.

Duplicate of Certificate to be published in the Gazette.

Gazette to be Evidence.

X. And be it enacted, That the Commissioners of Stamps and Taxes shall, at the Time of certifying to any Banker such Particulars as they are herein-before required to certify, also publish a Duplicate of their Certificate thereof in the next succeeding *Dublin Gazette* in which the same may be conveniently inserted; and the Gazette in which such Publication shall be made shall be conclusive

conclusive Evidence in all Courts whatsoever of the Amount of Bank Notes which the Banker named in such Certificate or Duplicate is by Law authorized to issue and to have in Circulation as aforesaid, exclusive of an Amount equal to the monthly average Amount of the Gold and Silver Coin held by such Banker as herein provided.

In case Banks become united, Commissioners to certify the Amount of Bank Notes which each Bank was authorized to issue.

XI. And be it enacted, That in case it shall be made to appear to the Commissioners of Stamps and Taxes at any Time hereafter that any Two or more Banks have, by written Contract or Agreement (which Contract or Agreement shall be produced to the said Commissioners), become united subsequently to the passing of this Act, it shall be lawful to the said Commissioners, upon the Application of such united Bank, to certify, in manner herein-before mentioned, the Aggregate of the Amount of Bank Notes which such separate Banks were previously authorized to issue under the separate Certificates previously delivered to them, and so from Time to Time; and every such Certificate shall be published in manner herein-before directed; and from and after such Publication the Amount therein stated shall be and be deemed to be the Limit of the Amount of Bank Notes which such united Bank may have in Circulation, exclusive of an Amount equal to the monthly average Amount of the Gold and Silver Coin held by such Banker as herein provided.

Banks entitled to the Privilege of issuing Notes may relinquish the same;

XII. And be it enacted, That it shall be lawful for any Banker in *Ireland* who under the Provisions of this Act is entitled to issue Bank Notes to contract and agree with the Governor and Company of the Bank of *Ireland*, by an Agreement in Writing, for the Relinquishment of the Privilege of issuing such Notes in favour of the said Governor and Company, and in each such Case a Copy of such Agreement shall be transmitted to the Commissioners of Stamps and Taxes; and the said Commissioners shall thereupon certify, in manner herein-before mentioned, the Aggregate of the Amount of Bank Notes which the Bank of *Ireland* and the Banker with whom such Agreement shall have been made were previously authorized to issue under the separate Certificates previously delivered to them; and every such Certificate shall be published in manner herein-before directed; and from and after such Publication the Amount therein stated shall be the Limit of the Amount of Bank Notes which the Governor and Company of the Bank of *Ireland* may have in Circulation, exclusive of an Amount equal to the Amount of the Gold and Silver Coin held by the Bank of *Ireland* as herein provided.

but not resume the Issue.

XIII. And be it enacted, That it shall not be lawful for any Banker who shall have so agreed to relinquish the Privilege of issuing Bank Notes at any Time thereafter to issue any such Notes.

Limitation of Bank Notes in Circulation.

XIV. And be it enacted, That from and after the Sixth Day of *December* One thousand eight hundred and forty-five it shall not be lawful for any Banker in *Ireland* to have in Circulation, upon the Average of a Period of Four Weeks, to be ascertained as herein-after mentioned, a greater Amount of Notes than an Amount composed of the Sums certified by the Commissioners of Stamps and Taxes as aforesaid,

aforesaid, and the monthly average Amount of Gold and Silver Coin held by such Banker during the same Period of Four Weeks, to be ascertained in manner herein-after mentioned.

Issue of Notes for fractional Parts of a Pound prohibited.

XV. And be it enacted, That all Bank Notes to be issued or re-issued in *Ireland* after the Sixth Day of *December* One thousand eight hundred and forty-five shall be expressed to be for Payment of a Sum in Pounds Sterling, without any fractional Parts of a Pound; and if any Banker in *Ireland* shall from and after that Day make, sign, issue, or re-issue any Bank Note for the fractional Part of a Pound Sterling, or for any Sum together with the fractional Part of a Pound Sterling, every such Banker so making, signing, issuing, or re-issuing any such Note as aforesaid shall for each Note so made, signed, issued, or re-issued forfeit or pay the Sum of Twenty Pounds.

Issuing Banks to render Accounts weekly.

XVI. And be it enacted, That every Banker who after the Sixth Day of *December* One thousand eight hundred and forty-five shall issue Bank Notes in *Ireland* shall, on some one Day in every Week after the Thirteenth Day of *December* One thousand eight hundred and forty-five (such Day to be fixed by the Commissioners of Stamps and Taxes), transmit to the said Commissioners a just and true Account of the Amount of Bank Notes of such Banker in Circulation at the Close of the Business on the next preceding *Saturday*, distinguishing the Notes of Five Pounds and upwards, and the Notes below Five Pounds, and also an Account of the total Amount of Gold and Silver Coin held by such Banker at each of the head Offices or principal Places of Issue in *Ireland* of such Banker at the Close of Business on each Day of the Week ending on that *Saturday*, and also an Account of the total Amount of Gold and Silver Coin in *Ireland* held by such Banker at the Close of Business on that Day; and on completing the first Period of Four Weeks, and so on completing each successive Period of Four Weeks, every such Banker shall annex to such Account the average Amount of Bank Notes of such Banker in Circulation during the said Four Weeks, distinguishing the Bank Notes of Five Pounds and upwards, and the Notes below Five Pounds, and the average Amount of Gold and Silver Coin respectively held by such Banker at each of the head Offices or principal Places of Issue in *Ireland* of such Banker during the said Four Weeks, and also the Amount of Bank Notes which such Banker is, by the Certificate published as aforesaid, authorized to issue under the Provisions of this Act; and every such Account shall be verified by the Signature of such Banker or his Chief Cashier, or in the Case of a Company or Partnership by the Signature of the Chief Cashier or other Officer duly authorized by the Directors of such Company or Partnership, and shall be made in the Form to this Act annexed marked (A.); and if any such Banker shall neglect or refuse to render any such Account in the Form and at the Time required by this Act, or shall at any Time render a false Account, such Banker shall forfeit the Sum of One hundred Pounds for every such Offence.

What shall be deemed to be Bank Notes in Circulation.

XVII. And be it enacted, That all Bank Notes shall be deemed to be in Circulation from the Time the same shall have been issued by any Banker, or any Servant or Agent of such Banker, until the same

shall have been actually returned to such Banker, or some Servant or Agent of such Banker.

Commissioners of Stamps to make a monthly Return.

XVIII. And be it enacted, That from the Returns so made by each Banker to the Commissioners of Stamps and Taxes the said Commissioners shall, at the End of the first Period of Four Weeks after the said Sixth Day of *December* One thousand eight hundred and forty-five, and so at the End of each successive Period of Four Weeks, make out a general Return in the Form to this Act annexed marked (B.) of the monthly average Amount of Bank Notes in Circulation of each Banker in *Ireland* during the last preceding Four Weeks, and of the average Amount of all the Gold and Silver Coin held by such Banker during the same Period, and certifying, under the Hand of any Officer of the said Commissioners duly authorized for that Purpose in the Case of each such Banker, whether such Banker has held the Amount of Coin required by Law during the Period to which the said Return shall apply, and shall publish the same in the next succeeding *Dublin Gazette* in which the same can be conveniently inserted.

Mode of ascertaining the average Amount of Bank Notes of each Banker in Circulation, and Gold Coin, during the first Four Weeks after the 6th Day of December 1845.

XIX. And be it enacted, That for the Purpose of ascertaining the monthly average Amount of Bank Notes of each Banker in Circulation, the Aggregate of the Amount of Bank Notes of each such Banker in Circulation at the Close of the Business on the *Saturday* in each Week during the first complete Period of Four Weeks next after the Sixth Day of *December* One thousand eight hundred and forty-five shall be divided by the Number of Weeks, and the Average so ascertained shall be deemed to be the Average of Bank Notes of each such Banker in Circulation during such Period of Four Weeks, and so in each successive Period of Four Weeks; and the monthly average Amount of Gold and Silver Coin respectively held as aforesaid by such Banker shall be ascertained in like Manner from the Amount of Gold and Silver Coin held by such Banker at the head Offices or principal Places of Issue of such Banker in *Ireland*, as after mentioned, at the Close of Business on such Day in each Week; and the monthly average Amount of Bank Notes of each such Banker in Circulation during any such Period of Four Weeks is not to exceed a Sum made up by adding the Amount certified by the Commissioners of Stamps and Taxes as aforesaid and the monthly average Amount of Gold and Silver Coin held by such Banker as aforesaid during the same Period.

What shall be taken in the Account of Coin held by any Banker.

XX. And be it enacted, That in taking account of the Coin held by any Banker in *Ireland* with respect to which Bank Notes to a further Extent than the Sum certified as aforesaid by the Commissioners of Stamps and Taxes may, under the Provisions of this Act, be made and issued, there shall be included only the Gold and Silver Coin held by such Banker at the several head Offices or principal Places of Issue in *Ireland* of such Banker, such head Offices or principal Places of Issue not exceeding Four in Number, of which not more than Two shall be situated in the same Province; and every Banker shall give Notice in Writing to the said Commissioners, on or before the Sixth Day of *December* next, of such head Offices

Silver Coin not to exceed the Proportion of One Quarter of Gold.

or principal Places of Issue at which the Account of Gold and Silver Coin held by him is to be taken as aforesaid; and no Amount of Silver Coin exceeding One Fourth Part of the Gold Coin held by such Banker as aforesaid shall be taken into account, nor shall any Banker be authorized to make and issue Bank Notes in *Ireland* on any Amount of Silver Coin held by such Banker exceeding the Proportion of One Fourth Part of the Gold Coin held by such Banker as aforesaid.

Commissioners of Stamps and Taxes empowered to cause the Books of Bankers, containing Accounts of their Bank Notes in Circulation, and of Gold Coin, to be inspected.

XXI. And whereas in order to ensure the rendering of true and faithful Accounts of the Amount of Bank Notes in Circulation, and the Amount of Gold and Silver Coin held by each Banker, as directed by this Act, it is necessary that the Commissioners of Stamps and Taxes should be empowered to cause the Books of Bankers issuing such Notes, and the Amount of Gold and Silver Coin held by such Bankers as aforesaid, to be inspected as herein-after mentioned; be it therefore enacted, That all and every the Book and Books of any Banker who shall issue Bank Notes under the Provisions of this Act, in which shall be kept, contained, or entered any Account, Minute, or Memorandum of or relating to the Bank Notes issued or to be issued by such Bank, of or relating to the Amount of such Notes in Circulation from Time to Time, or of or relating to the Gold or Silver Coin held by such Banker from Time to Time, or any Account, Minute, or Memorandum the Sight or Inspection whereof may tend to secure the rendering of true Accounts of the average Amount of such Notes in Circulation and Gold or Silver Coin held as directed by this Act, or to test the Truth of any such Account, shall be open for the Inspection and Examination at all seasonable Times of any Officer of Stamp Duties authorized in that Behalf by Writing signed by the Commissioners of Stamps and Taxes, or any Two of them; and every such Officer shall be at liberty to take Copies of or Extracts from any such Book or Account as aforesaid, and to inspect and ascertain the Amount of any Gold or Silver Coin held by such Banker; and if any Banker or other Person keeping any such Book, or having the Custody or Possession thereof or Power to produce the same, shall, upon demand made by any such Officer showing (if required) his Authority in that Behalf, refuse to produce any such Book to such Officer for his Inspection and Examination, or to permit him to inspect and examine the same, or to take Copies thereof or Extracts therefrom, or of or from any such Account, Minute, or Memorandum as aforesaid, kept, contained, or entered therein, or if any Banker or other Person having the Custody or Possession of any Coin belonging to such Banker shall refuse to permit or prevent the Inspection of such Gold and Silver Coin as aforesaid, every such Banker or other Person so offending shall for every such Offence forfeit the Sum of One hundred Pounds: Provided always, that the said Commissioners shall not exercise the Powers aforesaid without the Consent of the Commissioners of Her Majesty's Treasury.

Penalty for refusing to allow such Inspection.

All Bankers to return their Names once a Year

XXII. And be it enacted, That every Banker in *Ireland*, other than the Bank of *Ireland*, who is now carrying on or shall hereafter carry on Business as such, shall, on the First Day of *January* in each Year,

Year, or within Fifteen Days thereafter, make a Return to the Commissioners of Stamps and Taxes, at their Office in *Dublin*, of his Name, Residence, and Occupation, or, in the Case of a Company or Partnership, of the Name, Residence, and Occupation of every Person composing or being a Member of such Company or Partnership, and also the Name of the Firm under which such Banker, Company, or Partnership carry on the Business of Banking, and of every Place where such Business is carried on; and if any such Banker shall omit or refuse to make such Return within Fifteen Days after the said First Day of *January*, or shall wilfully make other than a true Return of the Persons as herein required, every Banker so offending shall forfeit or pay the Sum of Fifty Pounds; and the said Commissioners of Stamps and Taxes shall on or before the First Day of *March* in every Year publish in the *Dublin Gazette* a Copy of the Return so made by every Banker. to the Stamp Office.

XXIII. And be it enacted, That if the monthly average Circulation of Bank Notes of any Banker, taken in the Manner herein directed, shall at any Time exceed the Amount which such Banker is authorized to issue and to have in Circulation under the Provisions of this Act, such Banker shall in every such Case forfeit a Sum equal to the Amount by which the average monthly Circulation, taken as aforesaid, shall have exceeded the Amount which such Banker was authorized to issue and to have in Circulation as aforesaid. Penalty on Banks issuing in excess.

XXIV. And be it enacted, That all Promissory or other Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, being negotiable or transferable, for the Payment of any Sum or Sums of Money, or any Orders, Notes, or Undertakings in Writing, being negotiable or transferable, for the Delivery of any Goods, specifying their Value in Money less than the Sum of Twenty Shillings in the whole, heretofore made or issued, or which shall hereafter be made or issued in *Ireland*, shall, from and after the First Day of *January* One thousand eight hundred and forty-six, be and the same are hereby declared to be absolutely void and of no Effect, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and that if any Person or Persons shall, after the First Day of *January* One thousand eight hundred and forty-six, by any Art, Device, or Means whatsoever, publish or utter in *Ireland* any such Notes, Bills, Drafts, or Engagements as aforesaid, for a less Sum than Twenty Shillings, or on which less than the Sum of Twenty Shillings shall be due, and which shall be in anywise negotiable or transferable, or shall negotiate or transfer the same in *Ireland*, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, at the Discretion of the Justice of the Peace who shall hear and determine such Offence. Notes for less than 20*s.* not negotiable in Ireland.

XXV. And be it enacted, That all Promissory or other Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or any Sum of Money above that Sum and less than Five Pounds, or on which Twenty Shillings, or above that Sum and less than Five Pounds, shall Notes for 20*s.* and above, and less than 5*l.*, to be drawn in certain Form.

shall remain undischarged, and which shall be issued within *Ireland* at any Time after the First Day of *January* One thousand eight hundred and forty-six, shall specify the Names and Places of Abode of the Persons respectively to whom or to whose Order the same shall be made payable, and shall bear Date before or at the Time of drawing or issuing thereof, and not on any Day subsequent thereto, and shall be made payable within the Space of Twenty-one Days next after the Date thereof, and shall not be transferable or negotiable after the Time hereby limited for Payment thereof, and that every Endorsement to be made thereon shall be made before the Expiration of that Time, and to bear Date at or not before the Time of making thereof, and shall specify the Name and Place of Abode of the Person or Persons to whom or to whose Order the Money contained in every such Note, Bill, Draft, or Undertaking is to be paid; and that the signing of every such Note, Bill, Draft, or Undertaking, and also of every such Endorsement, shall be attested by One subscribing Witness at the least; and which said Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, may be made or drawn in Words to the Purport or Effect as set out in the Schedules to this Act annexed marked (D.) and (E.); and that all Promissory or other Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or any Sum of Money above that Sum and less than Five Pounds, or in which Twenty Shillings, or above that Sum and less than Five Pounds, shall remain undischarged, and which shall be issued in *Ireland* at any Time after the said First Day of *January* One thousand eight hundred and forty-six, in any other Manner than as aforesaid, and also every Endorsement on any such Note, Bill, Draft, or other Undertaking to be negotiated under this Act, other than as aforesaid, shall and the same are hereby declared to be absolutely void, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; provided that nothing in this Clause contained shall be construed to extend to any such Bank Notes as shall be lawfully issued by any Banker in *Ireland* authorized by this Act to continue the Issue of Bank Notes.

Penalty for Persons other than Bankers hereby authorized issuing Notes payable on demand for less than Five Pounds.

XXVI. And be it enacted, That if any Body Politic or Corporate or any Person or Persons shall, from and after the said First Day of *January* One thousand eight hundred and forty-six, make, sign, issue, or re-issue in *Ireland* any Promissory Note payable on demand to the Bearer thereof for any Sum of Money less than the Sum of Five Pounds, except the Bank Notes of such Bankers as are hereby authorized to continue to issue Bank Notes as aforesaid, then and in either of such Cases every such Body Politic or Corporate or Person or Persons so making, signing, issuing, or re-issuing any such Promissory Note as aforesaid, except as aforesaid, shall for every such Note so made, signed, issued, or re-issued forfeit the Sum of Twenty Pounds.

Penalty for Persons other than Bankers hereby au-

XXVII. And be it enacted, That if any Body Politic or Corporate or Person or Persons shall, from and after the passing of this Act, publish, utter, or negotiate in *Ireland* any Promissory or other Note (not being the Bank Note of a Banker hereby authorized to continue

to issue Bank Notes), or any Bill of Exchange, Draft, or Undertaking in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or above that Sum and less than Five Pounds, or on which Twenty Shillings, or above that Sum and less than Five Pounds, shall remain undischarged, made, drawn, or endorsed in any other Manner than as is herein-before directed, every such Body Politic or Corporate or Person or Persons so publishing, uttering, or negotiating any such Promissory or other Note (not being such Bank Note as aforesaid), Bill of Exchange, Draft, or Undertaking in Writing as aforesaid, shall forfeit and pay the Sum of Twenty Pounds.

Unauthorized uttering or negotiating Notes, Bills of Exchange, &c., transferable, for Payment of 20*s.* or less than Five Pounds.

XXVIII. Provided always, and be it enacted, That nothing herein contained shall extend to prohibit any Draft or Order drawn by any Person on his Banker, or on any Person acting as such Banker, for the Payment of Money held by such Banker or Person to the Use of the Person by whom such Draft or Order shall be drawn.

Not to prohibit Checks on Bankers.

XXIX. And be it enacted, That all pecuniary Penalties under this Act may be sued or prosecuted for and recovered for the Use of Her Majesty, in the Name of Her Majesty's Attorney General or Solicitor General in *Ireland*, or of the Solicitor of Stamps in *Ireland*, or of any Person authorized to sue or prosecute for the same, by Writing under the Hands of the Commissioners of Stamps and Taxes, or in the Name of any Officer of Stamp Duties, by Action of Debt, Bill, Plaint, or Information in the Court of Exchequer in *Dublin*, or by Civil Bill in the Court of the Recorder, Chairman, or Assistant Barrister within whose local Jurisdiction any Offence shall have been committed, in respect of any such Penalty, or, in respect of any Penalty not exceeding Twenty Pounds, by Information or Complaint before One or more Justice or Justices of the Peace in *Ireland*, in such and the same Manner as any other Penalties imposed by any of the Laws now in force relating to the Duties under the Management of the Commissioners of Stamps; and it shall be lawful in all Cases for the Commissioners of Stamps and Taxes, either before or after any Proceedings commenced for Recovery of any such Penalty, to mitigate or compound any such Penalty, as the said Commissioners shall think fit, and to stay any such Proceedings after the same shall have been commenced, and whether Judgment may have been obtained for such Penalty or not, on Payment of Part only of any such Penalty, with or without Costs, or on Payment only of the Costs incurred in such Proceedings, or of any Part thereof, or on such other Terms as such Commissioners shall judge reasonable: Provided always, that in no such Proceeding as aforesaid shall any Essoign, Protection, Wager of Law, nor more than One Imparlance be allowed; and all pecuniary Penalties imposed by or incurred under this Act, by whom or in whose Name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the Use of Her Majesty, and shall be deemed to be and shall be accounted for as Part of Her Majesty's Revenue arising from Stamp Duties, any thing in any Act contained, or any Law or Usage, to the contrary in anywise notwithstanding: Provided always, that it shall be lawful for the Commissioners of Stamps and Taxes, at their Discretion, to give all

Mode of enforcing Penalties.

all or any Part of such Penalties as Rewards to any Person or Persons who shall have detected the Offenders, or given Information which may have led to their Prosecution and Conviction.

Companies to sue and be sued in the Names of their Officers.

XXX. And be it enacted, That after the passing of this Act every Company or Copartnership of more than Six Persons established before the passing of this Act, for the Purpose of carrying on the Trade or Business of Bankers within the Distance of Fifty Miles from *Dublin*, shall have the same Powers and Privileges of suing and being sued, and of presenting Petitions to found Sequestrations or Fiats in Bankruptcy, in the Name of any one of the public Officers of such Company or Copartnership, as the nominal Plaintiff, Petitioner, or Defendant, on behalf of such Company or Copartnership, as are provided with respect to Companies carrying on the said Trade or Business at any Place in *Ireland* exceeding the Distance of Fifty Miles from *Dublin*, under the Provisions of an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for the better Regulation of Copartnerships of certain Bankers in* Ireland; and all Judgments, Decrees, and Orders made and obtained in any Action, Suit, or other Proceeding brought, instituted, or carried on by or against any such Company or Copartnership carrying on Business within the Distance of Fifty Miles from *Dublin*, in the Name of their public Officer, shall have the same Effect and Operation, and may be enforced in like Manner in all respects, as is provided in and by the last-mentioned Act with respect to the Judgments, Decrees, and Orders therein mentioned; provided that every such Company or Copartnership as last aforesaid shall make out and deliver from Time to Time to the Commissioners of Stamps and Taxes the several Accounts or Returns required by the last-mentioned Act; and all the Provisions of the last-mentioned Act as to such Accounts or Returns shall be taken to apply to the Accounts or Returns so made out and delivered by the said last-mentioned Companies, as if they had been originally included in the Provisions of the last-mentioned Act.

6 G. 4. c. 42.

Provision in case of Determination of existing Agreement between Bank of Ireland and Tipperary Joint Stock Bank.

XXXI. And whereas a certain Joint Stock Banking Company, called and known as "The *Tipperary* Joint Stock Bank," refrained from issuing its own Bank Notes, under a certain Agreement with the Governor and Company of the Bank of *Ireland* for the Issue of the Bank Notes of the said Governor and Company, which Agreement is determinable by either Party upon certain Notice to the other Party, and it is just that in case such Agreement should at any Time hereafter during the Continuance of this Act be determined and put an end to by the Governor and Company of the Bank of *Ireland*, that the said *Tipperary* Joint Stock Bank should receive by way of Compensation such Composition as hereafter mentioned; be it therefore enacted, That if the said Agreement shall be at any Time hereafter during the Continuance of this Act determined or put an end to by the Governor and Company of the Bank of *Ireland*, then and in such Case the said Governor and Company shall from the Termination of the said Agreement pay and allow to the said *Tipperary* Joint Stock Bank, so long as the latter shall continue to carry on the Business of a Bank and to issue exclusively the Notes of the Governor

Governor and Company of the Bank of *Ireland*, a Composition at and after the Rate of One *per Centum per Annum* on the average annual Amount of the Bank of *Ireland* Notes issued by the said *Tipperary* Joint Stock Bank, and kept in Circulation, such average annual Amount to be ascertained by the Bank of *Ireland* in the Manner provided for regulating the Compensation to be made to certain Bankers by the Bank of *England* in and by the Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of* England *certain Privileges for a limited Period*: Provided always, that the total Sum payable to the *Tipperary* Joint Stock Bank by way of Composition as aforesaid in any One Year shall not exceed One *per Cent.* on an Amount that hath been agreed on by and between the Bank of *Ireland* and the *Tipperary* Joint Stock Bank, and certified by both Banks to the Commissioners of Stamps and Taxes; and such Composition shall cease to be payable from and after the First Day of *January* One thousand eight hundred and fifty-six. 7 & 8 Vict. c. 32.

XXXII. And be it enacted, That the Term "Bank Note" used in this Act shall extend and apply to all Bills or Notes for the Payment of Money to the Bearer on demand; and that the Term "Banker" shall, when the Bank of *Ireland* be not specially excepted, extend and apply to the Governor and Company of the Bank of *Ireland*, and to all other Corporations, Societies, Partnerships, and Persons, and every individual Person carrying on the Business of Banking, whether by the Issue of Bank Notes or otherwise; and that the Word "Coin" shall be construed to mean the Coin of this Realm; and that the Word "Person" used in this Act shall include Corporations; and that the Singular Number used in this Act shall include the Plural Number, and the Plural Number the Singular, except where there is any thing in the Context repugnant to such Construction; and that the Masculine Gender in this Act shall include the Feminine, except where there is any thing in the Context repugnant to such Construction. Interpretation of Act.

XXXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Alteration of Act.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Name and Title set forth in Licence - - _____ Bank.
Name of the Firm - - - - _____ Firm.
Head Offices or principal Places of Issue - _____ Place.

AMOUNT of NOTES in Circulation on Saturday the Day of } £5 and upwards - £
} Under £5 - - £
TOTAL - - £

AMOUNT of GOLD and SILVER COIN held at the head Office or principal Place of Issue at the Close of Business on—

	Head Office at		Head Office at		Head Office at		Head Office at	
	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.
Monday the								
Tuesday the								
Wednesday the								
Thursday the								
Friday the								
Saturday the								

TOTAL AMOUNT of COIN held at the Close of Business on Saturday the Day of 18 .

Gold - - - £
Silver - - - £
TOTAL - - £

[*To be inserted in the Account at the End of each Period of Four Weeks.*]

Amount of Notes authorized by Certificate - - £
Average Amount of Notes in Circulation during the Four Weeks ending as above } £5 and upwards £
} Under £5 - £
Average Amount of Coin held during the said Four Weeks - - - - } Gold - £
} Silver - £
TOTAL - £

I, being the [Banker, Chief Cashier, Director, *or* Partner, *as the Case may be*], do hereby certify, That the above is a true Account of the Notes in Circulation, and of the Coin held by the said Bank, as required under the Act 8 & 9 Vict. c. .

(Signed) _____

Dated this Day of 18 .

SCHEDULE (B.)

Name and Title, as set forth in the Licence.	Name of the Firm.	Head Office or principal Place of Issue.	Circulation authorized by Certificate.	Average Circulation during Four Weeks ending the			Average Amount of Coin held during Four Weeks ending		
				£5 and upwards.	Under £5.	TOTAL.	Gold.	Silver.	TOTAL.

I hereby certify, That each of the Bankers named in the above Return who have in Circulation an Amount of Notes beyond that authorized in their Certificate [with the Exception of *A.B. or C.D., as the Case may be,*] have held an Amount of Gold and Silver Coin not less than that which they are required to hold during the Period to which this Return relates.

Dated this Day of 18 . (Signed)_____ Officer of Stamp Duties.

SCHEDULE (D.)

[*Place*] [*Day*] [*Month*] [*Year*]

Twenty-one Days after Date I promise to pay to *A.B.* of [*Place*], or his Order, the Sum of for Value received by

Witness, *E.F.* *C.D.*

And the Endorsement, toties quoties.

[*Day*] [*Month*] [*Year*]

Pay the Contents to *G.H.* of [*Place*], or his Order.

Witness, *J.K.* *A.B.*

SCHEDULE (E.)

[*Place*] [*Day*] [*Month*] [*Year*]

Twenty-one Days after Date pay to *A.B.* of [*Place*], or his Order, the Sum of Value received, as advised by

To *E.F.* of [*Place*]. *C.D.*

Witness, *G.H.*

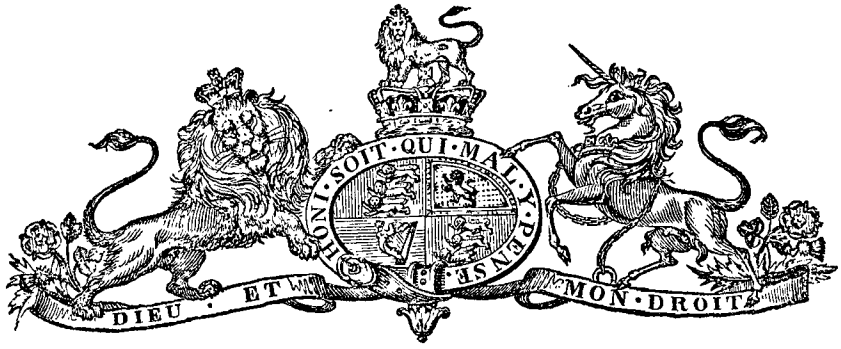
And the Endorsement, toties quoties.

[*Day*] [*Month*] [*Year*]

Pay the Contents to *J.K.* of [*Place*], or his Order.

Witness, *L.M.* *A.B.*

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XXXVIII.

An Act to regulate the Issue of Bank Notes in *Scotland*. [21st *July* 1845.]

WHEREAS by an Act made and passed in the Eighth Year of the Reign of Her Majesty, intituled *An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of* England *certain Privileges for a limited Period*, it was enacted, that from and after the passing of that Act no Person, other than a Banker who on the Sixth Day of *May* One thousand eight hundred and forty-four was lawfully issuing his own Bank Notes, should make or issue Bank Notes in any Part of the United Kingdom: And whereas it is expedient to regulate the Issue of Bank Notes by such Bankers as are now by Law authorized to issue the same in *Scotland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Banker claiming to be entitled to issue Bank Notes in *Scotland* shall, within One Month next after the passing of this Act, give Notice in Writing to the Commissioners of Stamps and Taxes, at their head Office in *London*, of such Claim, and of the Place and Name and Firm at and under which such Banker has issued such Notes in *Scotland* during the Year next preceding the First Day of *May* One thousand eight hundred and forty-five, and thereupon the said Commissioners shall ascertain if such

7 & 8 Vict. c. 32. s. 10.

Bankers claiming to be entitled to issue Bank Notes to give Notice to Commissioners of Stamps and Taxes.

Commissioners to certify existing Banks of Issue and Limitation of Issue.

such Banker was on the Sixth Day of *May* One thousand eight hundred and forty-four, and from thence up to the First Day of *May* One thousand eight hundred and forty-five, carrying on the Business of a Banker and lawfully issuing his own Bank Notes in *Scotland*, and if it shall so appear then the said Commissioners shall proceed to ascertain the average Amount of the Bank Notes of such Banker which were in Circulation during the said Period of One Year preceding the First Day of *May* One thousand eight hundred and forty-five, according to the Returns made by such Banker in pursuance of the Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to make further Provision relative to the Returns to be made by Banks of the Amount of their Notes in Circulation;* and the said Commissioners, or any Two of them, shall certify under their Hands to such Banker the average Amount when so ascertained as aforesaid, omitting the Fractions of a Pound, if any; and it shall be lawful for every such Banker to continue to issue his own Bank Notes after the Sixth Day of *December* One thousand eight hundred and forty-five, to the Extent of the Amount so certified, and of the Amount of Gold and Silver Coin held by such Banker at the head Office or principal Place of Issue of such Banker, in the Proportion and Manner herein-after mentioned, but not to any further Extent; and from and after the Sixth Day of *December* One thousand eight hundred and forty-five it shall not be lawful for any Banker to make or issue Bank Notes in *Scotland*, save and except only such Bankers as shall have obtained such Certificate from the Commissioners of Stamps and Taxes.

4 & 5 Vict. c. 50.

Provision for united Banks.

II. Provided always, and be it enacted, That if it shall be made to appear to the Commissioners of Stamps and Taxes that any Two or more Banks have by written Contract or Agreement (which Contract or Agreement shall be produced to the said Commissioners) become united within the Year next preceding such First Day of *May* One thousand eight hundred and forty-five, it shall be lawful for the said Commissioners to ascertain the average Amount of the Notes of each such Bank in the Manner herein-before directed, and to certify a Sum equal to the average Amount of the Notes of the Two or more Banks so united, as the Amount which the united Bank shall thereafter be authorized to issue, subject to the Regulations of this Act.

Duplicate of Certificate to be published in the Gazette.

Gazette to be Evidence.

III. And be it enacted, That the Commissioners of Stamps and Taxes shall, at the Time of certifying to any Banker such Particulars as they are herein-before required to certify, also publish a Duplicate of their Certificate thereof in the next succeeding *London Gazette* in which the same may be conveniently inserted; and the Gazette in which such Publication shall be made shall be conclusive Evidence in all Courts whatsoever of the Amount of Bank Notes which the Banker named in such Certificate or Duplicate is by Law authorized to issue and to have in Circulation as aforesaid, exclusive of an Amount equal to the monthly average Amount of the Gold and Silver Coin held by such Banker as herein provided.

IV. And

In case Banks become united, Commissioners to certify the Amount of Bank Notes which each Bank was authorized to issue.

IV. And be it enacted, That in case it shall be made to appear to the Commissioners of Stamps and Taxes, at any Time hereafter, that any Two or more Banks have by written Contract or Agreement (which Contract or Agreement shall be produced to the said Commissioners) become united subsequently to the passing of this Act, it shall be lawful to the said Commissioners, upon the Application of such united Bank, to certify in manner herein-before mentioned the Aggregate of the Amount of Bank Notes which such separate Banks were previously authorized to issue under the separate Certificates previously delivered to them, and so from Time to Time; and every such Certificate shall be published in manner herein-before directed, and from and after such Publication the Amount therein stated shall be and be deemed to be the Limit of the Amount of Bank Notes which such united Bank may have in Circulation, exclusive of an Amount equal to the monthly average Amount of the Gold and Silver Coin held by such Bank, as herein provided.

Issue of Notes for fractional Parts of a Pound prohibited.

V. And be it enacted, That all Bank Notes to be issued or re-issued in *Scotland* shall be expressed to be for Payment of a Sum in Pounds Sterling, without any fractional Parts of a Pound; and if any Banker in *Scotland* shall, from and after the Sixth Day of *December* One thousand eight hundred and forty-five, make, sign, issue, or re-issue any Bank Note for the fractional Part of a Pound Sterling, or for any Sum together with the fractional Part of a Pound Sterling, every such Banker so making, signing, issuing, or re-issuing any such Note as aforesaid shall for each Note so made, signed, issued, or re-issued forfeit or pay the Sum of Twenty Pounds.

Limitation of Bank Notes in Circulation.

VI. And be it enacted, That from and after the Sixth Day of *December* One thousand eight hundred and forty-five it shall not be lawful for any Banker in *Scotland* to have in Circulation, upon the Average of a Period of Four Weeks, to be ascertained as herein-after mentioned, a greater Amount of Notes than an Amount composed of the Sum certified by the Commissioners of Stamps and Taxes as aforesaid and the monthly average Amount of Gold and Silver Coin held by such Banker at the head Office or principal Place of Issue of such Banker during the same Period of Four Weeks, to be ascertained in manner herein-after mentioned.

Issuing Banks to render Accounts weekly

VII. And be it enacted, That every Banker who after the Sixth Day of *December* One thousand eight hundred and forty-five shall issue Bank Notes in *Scotland* shall, on some One Day in every Week after the Thirteenth Day of *December* One thousand eight hundred and forty-five (such Day to be fixed by the Commissioners of Stamps and Taxes), transmit to the said Commissioners a just and true Account of the Amount of Bank Notes of such Banker in Circulation at the Close of the Business on the next preceding *Saturday*, distinguishing the Notes of Five Pounds and upwards, and the Notes below Five Pounds, and also an Account of the total Amount of Gold and Silver Coin held by such Banker at the head Office or principal Place of Issue in *Scotland* of such Banker at the Close of Business on each Day of the Week ending on the same *Saturday*, and also an Account of the total Amount of Gold and Silver

Silver Coin in *Scotland* held by such Banker at the Close of Business on that Day; and on completing the first Period of Four Weeks, and so on completing each successive Period of Four Weeks, every such Banker shall annex to such Account the average Amount of Bank Notes of such Banker in Circulation during the said Four Weeks, distinguishing the Bank Notes of Five Pounds and upwards and the Notes below Five Pounds, and the average Amount of Gold and Silver Coin respectively held by such Banker at the head Office or principal Place of Issue in *Scotland* of such Banker during the said Four Weeks, and also the Amount of Bank Notes which such Banker is, by the Certificate published as aforesaid in the *London Gazette*, authorized to issue under the Provisions of this Act; and every such Account shall specify the head Office or principal Places of Issue in *Scotland* of such Banker, and shall be verified by the Signature of such Banker or his Chief Cashier, or in case of a Company or Partnership by the Signature of the Chief Cashier or other Officer duly authorized by the Directors of such Company or Partnership, and shall be made in the Form to this Act annexed marked (A.); and if any such Banker shall neglect or refuse to render any such Account in the Form and at the Time required by this Act, or shall at any Time render a false Account, such Banker shall forfeit the Sum of One hundred Pounds for every such Offence.

What shall be deemed to be Bank Notes in Circulation.

VIII. And be it enacted, That all Bank Notes shall be deemed to be in Circulation from the Time the same shall have been issued by any Banker, or any Servant or Agent of such Banker, until the same shall have been actually returned to such Banker, or some Servant or Agent of such Banker.

Commissioners of Stamps and Taxes to make a monthly Return.

IX. And be it enacted, That from the Returns so made by each Banker to the Commissioners of Stamps and Taxes the said Commissioners shall, at the End of the first Period of Four Weeks after the said Sixth Day of *December* One thousand eight hundred and forty-five, and so at the End of each successive Period of Four Weeks, make out a general Return in the Form to this Act annexed marked (B.) of the monthly average Amount of Bank Notes in Circulation of each Banker in *Scotland* during the last preceding Four Weeks, and of the average Amount of all the Gold and Silver Coin held by such Banker, and certifying under the Hand of any Officer of the said Commissioners duly authorized for that Purpose, in the Case of each such Banker, whether such Banker has held the Amount of Coin required by Law during the Period to which the said Return shall apply, and shall publish the same in the next succeeding *London Gazette* in which the same can be conveniently inserted.

Mode of ascertaining the average Amount of Bank Notes of each Banker in Circulation, and Gold Coin, during

X. And be it enacted, That for the Purpose of ascertaining the monthly average Amount of Bank Notes of each Banker in Circulation, the Aggregate of the Amount of Bank Notes of each such Banker in Circulation at the Close of the Business on *Saturday* of each Week during the first complete Period of Four Weeks next after the Sixth Day of *December* One thousand eight hundred and forty-five shall be divided by the Number of Weeks, and the Average so ascertained shall be deemed to be the Average of Bank

Notes of each such Bank in Circulation during such Period of Four Weeks, and so in each successive Period of Four Weeks; and the monthly average Amount of Gold and Silver Coin respectively held as aforesaid by such Banker shall be ascertained in like Manner from the Amount of Gold and Silver Coin held by such Banker at the head Office or principal Place of Issue in *Scotland* of such Banker at the Close of Business on *Saturday* in each Week during the same Period; and the monthly average Amount of Bank Notes of each such Banker in Circulation during any such Period of Four Weeks is not to exceed a Sum made up by adding the Amount certified by the Commissioners of Stamps and Taxes as aforesaid and the monthly average Amount of Gold and Silver Coin held by such Banker as aforesaid during the same Period.

the first Four Weeks after 31st December 1845.

XI. And be it enacted, That in taking Account of the Coin held by any such Banker as aforesaid, with respect to which Bank Notes to a further Extent than the Sum certified as aforesaid by the Commissioners of Stamps and Taxes may, under the Provisions of this Act, be made and issued, no Amount of Silver Coin exceeding One Fourth Part of the Gold Coin held by such Banker as aforesaid shall be taken into account, nor shall any Banker be authorized to make and issue Bank Notes in *Scotland* on any Amount of Silver Coin held by such Banker exceeding the Proportion of One Fourth Part of the Gold Coin held by such Banker as aforesaid.

In taking the Account of Coin held by Bankers, Silver Coin not to exceed the Proportion of One Fourth of Gold.

XII. And whereas, in order to ensure the rendering of true and faithful Accounts of the Amount of Bank Notes in Circulation, and the Amount of Gold and Silver Coin held by each Banker, as directed by this Act, it is necessary that the Commissioners of Stamps and Taxes should be empowered to cause the Books of Bankers issuing such Notes, and the Gold and Silver Coin held by such Bankers as aforesaid, to be inspected as herein-after mentioned; be it therefore enacted, That all and every the Book and Books of any Banker who shall issue Bank Notes under the Provisions of this Act, in which shall be kept, contained, or entered any Account, Minute, or Memorandum of or relating to the Bank Notes issued or to be issued by such Banker, or of or relating to the Amount of such Notes in Circulation from Time to Time, or of or relating to the Gold and Silver Coin held by such Banker from Time to Time, or any Account, Minute, or Memorandum the Sight or Inspection whereof may tend to secure the rendering of true Accounts of the average Amount of such Notes in Circulation and Gold and Silver Coin held as directed by this Act, or to test the Truth of any such Account, shall be open for the Inspection and Examination at all seasonable Times of any Officer of Stamp Duties authorized in that Behalf by Writing signed by the Commissioners of Stamps and Taxes, or any Two of them; and every such Officer shall be at liberty to take Copies of or Extracts from any such Book or Account as aforesaid, and to inspect and ascertain the Amount of any Gold or Silver Coin held by such Banker; and if any Banker or other Person keeping any such Book, or having the Custody or Possession thereof or Power to produce the same, shall, upon Demand made by any such Officer showing (if required) his Authority in that Behalf, refuse to produce any such Book

Commissioners of Stamps and Taxes empowered to cause the Books of Bankers containing Accounts of their Bank Notes in Circulation, and of Gold Coin, to be inspected.

Penalty for refusing to allow such Inspection.

Book to such Officer for his Inspection and Examination, or to permit him to inspect and examine the same, or to take Copies thereof or Extracts therefrom, or of or from any such Account, Minute, or Memorandum as aforesaid, kept, contained, or entered therein, or if any Banker or other Person having the Custody or Possession of any Coin belonging to such Banker shall refuse to permit or prevent the Inspection of such Gold and Silver Coin as aforesaid, every such Banker or other Person so offending shall for every such Offence forfeit the Sum of One hundred Pounds: Provided always, that the said Commissioners shall not exercise the Powers aforesaid without the Consent of the Commissioners of Her Majesty's Treasury.

All Bankers to return their Names once a Year to the Stamp Office.

XIII. And be it enacted, That every Banker in *Scotland* who is now carrying on or shall hereafter carry on Business as such, other than the Bank of *Scotland*, the Royal Bank of *Scotland*, and the *British* Linen Company, shall, on the First Day of *January* in each Year, or within Fifteen Days thereafter, make a Return to the Commissioners of Stamps and Taxes, at their head Office in *London*, of his Name, Residence, and Occupation, or, in the Case of a Company or Partnership, of the Name, Residence, and Occupation of every Person composing or being a Member of such Company or Partnership, and also the Name of the Firm under which such Banker, Company, or Partnership carry on the Business of Banking, and of every Place where such Business is carried on; and if any such Banker, Company, or Partnership shall omit or refuse to make such Return within Fifteen Days after the said First Day of *January*, or shall wilfully make other than a true Return of the Persons as herein required, every Banker, Company, or Partnership so offending shall forfeit or pay the Sum of Fifty Pounds; and the said Commissioners of Stamps and Taxes shall on or before the First Day of *March* in every Year publish in some Newspaper circulating within each Town or County respectively in which the head Office or principal Place of Issue of any such Banker be situated a Copy of the Return so made by every Banker, Company, or Partnership carrying on the Business of Bankers within such Town or County respectively, as the Case may be.

Penalty on Banks issuing in excess.

XIV. And be it enacted, That if the monthly average Circulation of Bank Notes of any Banker, taken in the Manner herein directed, shall at any Time exceed the Amount which such Banker is authorized to issue and to have in Circulation under the Provisions of this Act, such Banker shall in every such Case forfeit a Sum equal to the Amount by which the average monthly Circulation, taken as aforesaid, shall have exceeded the Amount which such Banker was authorized to issue and to have in Circulation as aforesaid.

Bank of England Notes not a legal Tender in Scotland

XV. And whereas by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for giving to the Corporation of the Governor and Company of the Bank of* England *certain Privileges for a limited Period, under certain Conditions*, it was enacted, that from and after the First Day of *August* One thousand eight hundred and thirty-four, unless and until Parliament should otherwise direct, a Tender of a

Note or Notes of the Governor and Company of the Bank of *England*, expressed to be payable to Bearer on demand, should be a legal Tender to the Amount expressed in such Note or Notes, and should be taken to be valid as a Tender to such Amount for all Sums above Five Pounds on all Occasions on which any Tender of Money may be legally made, so long as the Bank of *England* should continue to pay on demand their said Notes in legal Coin; provided always, that no such Note or Notes should be deemed a legal Tender of Payment by the Governor and Company of the Bank of *England*, or any Branch Bank of the said Governor and Company: And whereas Doubts have arisen as to the Extent of the said Enactment; for Removal whereof be it enacted and declared, That nothing in the said last-recited Act contained shall extend or be construed to extend to make the Tender of a Note or Notes of the Governor and Company of the Bank of *England* a legal Tender in *Scotland*: Provided always, that nothing in this Act contained shall be construed to prohibit the Circulation in *Scotland* of the Notes of the Governor and Company of the Bank of *England*, as heretofore. Proviso.

XVI. And be it enacted, That all Promissory or other Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, being negotiable or transferable, for the Payment of any Sum or Sums of Money, or any Orders, Notes, or Undertakings in Writing, being negotiable or transferable, for the Delivery of any Goods, specifying their Value in Money less than the Sum of Twenty Shillings in the whole, heretofore made or issued, or which shall hereafter be made or issued in *Scotland*, shall, from and after the First Day of *January* One thousand eight hundred and forty-six, be and the same are hereby declared to be absolutely void and of no Effect, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and that if any Person or Persons shall, after the First Day of *January* One thousand eight hundred and forty-six, by any Art, Device, or Means whatsoever, publish or utter in *Scotland* any such Notes, Bills, Drafts, or Engagements as aforesaid for a less Sum than Twenty Shillings, or on which less than the Sum of Twenty Shillings shall be due, and which shall be in anywise negotiable or transferable, or shall negotiate or transfer the same in *Scotland*, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, at the Discretion of the Justice of the Peace who shall hear and determine such Offence. Notes for less than 20*s.* not negotiable in Scotland.

XVII. And be it enacted, That all Promissory or other Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or any Sum of Money above that Sum and less than Five Pounds, or on which Twenty Shillings, or above that Sum and less than Five Pounds, shall remain undischarged, and which shall be issued within *Scotland* at any Time after the First Day of *January* One thousand eight hundred and forty-six, shall specify the Names and Places of Abode of the Persons respectively to whom or to whose Order the same shall be made payable, and shall bear Date before or at the Time of drawing or issuing thereof, and not on any Day subsequent thereto, Notes of 20*s.*, or above, and less than 5*l.*, to be drawn in certain Form.

thereto, and shall be made payable within the Space of Twenty-one Days next after the Day of the Date thereof, and shall not be transferable or negotiable after the Time hereby limited for Payment thereof, and that every Endorsement to be made thereon shall be made before the Expiration of that Time, and to bear Date at or not before the Time of making thereof, and shall specify the Name and Place of Abode of the Person or Persons to whom or to whose Order the Money contained in every such Note, Bill, Draft, or Undertaking is to be paid; and that the signing of every such Note, Bill, Draft, or Undertaking, and also of every such Endorsement, shall be attested by One subscribing Witness at the least; and which said Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, may be made or drawn in Words to the Purport or Effect as set out in the Schedules to this Act annexed marked (C.) and (D.); and that all Promissory or other Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or any Sum of Money above that Sum and less than Five Pounds, or in which Twenty Shillings, or above that Sum and less than Five Pounds, shall remain undischarged, and which shall be issued in *Scotland* at any Time after the said First Day of *January* One thousand eight hundred and forty-six, in any other Manner than as aforesaid, and also every Indorsement on any such Note, Bill, Draft, or other Undertaking to be negotiated under this Act, other than as aforesaid, shall and the same are hereby declared to be absolutely void, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding: Provided always, that nothing in this Clause contained shall be construed to extend to any such Bank Notes as shall be lawfully issued by any Banker in *Scotland* authorized by this Act to continue the Issue of Bank Notes.

Penalty for Persons, other than Bankers hereby authorized, issuing Notes payable on demand for less than 5*l*.

XVIII. And be it enacted, That if any Body Politic or Corporate or any Person or Persons shall, from and after the said First Day of *January* One thousand eight hundred and forty-six, make, sign, issue, or re-issue in *Scotland* any Promissory Note payable on demand to the Bearer thereof for any Sum of Money less than the Sum of Five Pounds, except the Bank Notes of such Bankers as are hereby authorized to continue to issue Bank Notes as aforesaid, then and in either of such Cases every such Body Politic or Corporate or Person or Persons so making, signing, issuing, or re-issuing any such Promissory Note as aforesaid, except as aforesaid, shall for every such Note so made, signed, issued, or re-issued forfeit the Sum of Twenty Pounds.

Penalty for Persons, other than Bankers hereby authorized, uttering or negotiating Notes, Bills of Exchange, &c. trans.

XIX. And be it enacted, That if any Body Politic or Corporate or Person or Persons shall, from and after the passing of this Act, publish, utter, or negotiate in *Scotland* any Promissory or other Note (not being the Bank Note of a Banker hereby authorized to continue to issue Bank Notes), or any Bill of Exchange, Draft, or Undertaking in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or above that Sum and less than Five Pounds, or on which Twenty Shillings, or above that Sum and less than Five Pounds, shall remain undischarged, made, drawn, or indorsed

indorsed in any other Manner than as is herein-before directed, every such Body Politic or Corporate or Person or Persons so publishing, uttering, or negotiating any such Promissory or other Note (not being such Bank Note as aforesaid), Bill of Exchange, Draft, or Undertaking in Writing as aforesaid, shall forfeit and pay the Sum of Twenty Pounds. ferable, for Payment of 20*s.* or less than 5*l.*

XX. Provided always, and be it enacted, That nothing herein contained shall extend to prohibit any Draft or Order drawn by any Person on his Banker, or on any Person acting as such Banker, for the Payment of Money held by such Banker or Person to the Use of the Person by whom such Draft or Order shall be drawn. Not to prohibit Checks on Bankers.

XXI. And be it enacted, That all pecuniary Penalties under this Act may be sued or prosecuted for and recovered for the Use of Her Majesty, in the Name of Her Majesty's Advocate General or Solicitor General in *Scotland*, or of the Solicitor of Stamps and Taxes in *Scotland*, or of any Person authorized to sue or prosecute for the same, by Writing under the Hands of the Commissioners of Stamps and Taxes, or in the Name of any Officer of Stamp Duties, by Action of Debt, Bill, Plaint, or Information in the Court of Exchequer in *Scotland*, or, in respect of any Penalty not exceeding Twenty Pounds, by Information or Complaint before One or more Justice or Justices of the Peace in *Scotland*, in such and the same Manner as any other Penalties imposed by any of the Laws now in force relating to the Duties under the Management of the Commissioners of Stamps; and it shall be lawful in all Cases for the Commissioners of Stamps and Taxes, either before or after any Proceedings commenced for Recovery of any such Penalty, to mitigate or compound any such Penalty, as the said Commissioners shall think fit, and to stay any such Proceedings after the same shall have been commenced, and whether Judgment may have been obtained for such Penalty or not, on Payment of Part only of any such Penalty, with or without Costs, or on Payment only of the Costs incurred in such Proceedings, or of any Part thereof, or on such other Terms as such Commissioners shall judge reasonable: Provided always, that in no such Proceeding aforesaid shall any Essoign, Protection, Wager of Law, nor more than One Imparlance be allowed; and all pecuniary Penalties imposed by or incurred under this Act, by whom or in whose Name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the Use of Her Majesty, and shall be deemed to be and shall be accounted for as Part of Her Majesty's Revenue arising from Stamp Duties, any thing in any Act contained, or any Law or Usage, to the contrary in anywise notwithstanding: Provided always, that it shall be lawful for the Commissioners of Stamps and Taxes, at their Discretion, to give all or any Part of such Penalties as Rewards to any Person or Persons who shall have detected the Offenders, or given Information which may have led to their Prosecution and Conviction. Mode of recovering Penalties.

XXII. And be it enacted, That the Term "Bank Notes" used in this Act shall extend and apply to all Bills or Notes for the Payment of Money to the Bearer on demand, other than Bills and Notes of the Governor and Company of the Bank of *England*; and that the Interpretation of Act.

Term "Banker" shall extend and apply to all Corporations, Societies, Partnerships, and Persons, and every individual Person carrying on the Business of Banking, whether by the Issue of Bank Notes or otherwise; and that the Word "Person" used in this Act shall include Corporations; and that the Word "Coin" shall mean the Coin of this Realm; and that the Singular Number in this Act shall include the Plural, and the Plural Number the Singular, except where there is any thing in the Context repugnant to such Construction; and that the Masculine Gender in this Act shall include the Feminine, except where there is any thing in the Context repugnant to such Construction.

Alteration of Act.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Name and Title, as set forth in Licence.	Name of the Firm.	Head Office, or principal Place of Issue.	Amount of Circulation authorized by Certificate.	Notes in Circulation during the Week ending Day of .		*Average of Four Weeks of all Notes.		Account of Coin held by the Banker at the head Office or principal Place of Issue, on the Day of .		*Average total Amount of Coin held by the Bank during Four Weeks ending	
				£5 and upwards.	Under £5.	£5 and upwards.	Under £5.	Gold.	Silver.	Gold.	Silver.
								£	£		

Held on each Day of the Week preceding that Day.	Gold.	Silver.
Monday -		
Tuesday -		
Wednesday -		
Thursday -		
Friday -		
Saturday -		

* To be inserted at the End of each Period of Four Weeks.

I being [the Banker, Chief Cashier, Managing Director, *or* Partner of the Bank, *or other Officer duly authorized by the Director, as the Case may be,*] do hereby certify, That the above is a true Account of the Notes in Circulation and Coin held by the said Bank during the Week above written.

Dated the Day of 18 . (Signed)

SCHEDULE (B.)

Name and Title, as set forth in Licence.	Name of the Firm.	Head Office or principal Place of Issue.	Amount of Circulation authorized by Certificate.	Average Amount of Notes in Circulation during the Four Weeks ending the Day of .			Average total Amount of Coin held during Four Weeks ending	
				£5 and upwards.	Under £5.	Total.	Gold.	Silver.

I hereby certify, That each of the Bankers named in the above Return who have issued an Amount of Notes beyond that authorized in their Certificate] with the Exception of *A.B. or C.D., as the Case may be,*] have held an Amount of Gold and Silver Coin not less than that which they are required to hold during the Period to which this Return refers.

Dated

Officer of the Stamps.

SCHEDULE (C.)

[*Place*] [*Day*] [*Month*] [*Year*]

Twenty-one Days after Date I promise to pay to *A.B.* of [*Place*], or his Order, the Sum of for Value received by

C.D.

Witness, *E.F.*

And the Endorsement, toties quoties.

[*Day*] [*Month*] [*Year*]

Pay the Contents to *G.H.* of [*Place*], or his Order.

Witness, *J.K.* *A.B.*

SCHEDULE (D.)

[*Place*] [*Day*] [*Month*] [*Year*]

Twenty-one Days after Date pay to *A.B.* of [*Place*], or his Order, the Sum of Value received, as advised by

E.D.

To *E.F.* of [*Place*].

Witness, *G.H.*

And the Endorsement, toties quoties.

[*Day*] [*Month*] [*Year*]

Pay the Contents to *J.K.* of [*Place*], or his Order.

Witness, *L.M.* *A.B.*

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XXXIX.

An Act to amend the Law of Arrestment of Wages in *Scotland.* [21st *July* 1845.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to alter and amend an Act passed in the Thirty-ninth and Fortieth Years of King* George *the Third, for the Recovery of Small Debts in* Scotland: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriffs Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs, in* Scotland: And whereas it is expedient that the said Acts should be amended, as regards the Arrestment of Wages: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall not be lawful or competent to arrest Wages upon the Dependence of any Action raised by virtue of the said recited Acts, any thing therein contained to the contrary notwithstanding.

6 G. 4. c. 48.

7 W. 4. & 1 Vict. c. 41.

Arrestment of Wages not competent on Dependence of Action.

II. And

Alteration of Act.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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On Failure of Election of Schoolmaster, and of Application to Convener, the Commissioners of Supply to appoint.

the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That failing such Election as aforesaid, and such Application by the Presbytery to the Convener of the Commissioners of Supply, then, within Twenty-one Days after the Expiration of the Four Months after which the Presbytery is so required to apply to the Convener of the Commissioners of Supply, it shall be lawful for any Heritor of the Parish to make Intimation of the Vacancy, whether now existing or that may hereafter occur, by Letter to the Convener of the Commissioners of Supply of the County or Stewartry within which the Parish is situated, requiring him to call a Meeting of such Commissioners upon Thirty Days Notice; and the Commissioners of Supply, or any Five of them, assembled at such Meeting or any adjourned Meeting, shall have Power, *jure devoluto*, to take the Matter of such Vacancy into consideration, and, unless good Cause be shown to the contrary, to proceed forthwith to the Election of a Schoolmaster, according to the Intent and Meaning of the said recited Act, and such Election shall be good and valid to all Intents and Purposes.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XLI.

An Act for amending the Laws concerning Highways, Bridges, and Ferries in *Scotland*, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money. [21st *July* 1845.]

WHEREAS it has been found by Experience that the Laws concerning Highways, Bridges, and Ferries in *Scotland*, and concerning the Statute Service for making and repairing them, and the Conversion thereof in Money, may be amended in various Particulars: And whereas it is expedient that further Regulations should be made concerning the said Highways, Bridges, and Ferries, and that the System of managing them should be rendered more uniform: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Enactments, Provisions, Matters, and Things in this Act contained shall extend to all Highways, Bridges, and Ferries in *Scotland* to which Statute Service, or the Conversion thereof in Money, or any Assessment in lieu of such

This Act to apply to all Statute Service Roads, Bridges, &c.

such Conversion, is or shall be applied, and to all Acts of Parliament now in force or which shall hereafter be passed affecting such Highways, Bridges, or Ferries in *Scotland*, saving and excepting such Enactments, Provisions, Matters, and Things as shall be expressly varied, altered, or repealed by any Act that shall be hereafter passed.

The Word "Trustees" to include Justices, &c.

II. And be it enacted, That the Word "Trustees" in this Act shall be held to mean and apply to all Justices of the Peace acting under the Authority of any Act of Parliament for making and repairing Highways, Bridges, and Ferries in *Scotland* by Statute Service, or the Conversion thereof in Money.

Regulation of Meetings.

III. And be it enacted, That all Trustees acting in the Execution of this or any Act of Parliament for making and repairing Highways, Bridges, and Ferries in *Scotland* by Statute Service, or the Conversion thereof in Money, or Assessment in lieu of such Conversion, shall at all their Meetings pay their own Expences, and shall in the first place, where it is not otherwise directed by any local Act, appoint a Preses at every Meeting, who in case of an equal Number of Votes, including his own, shall have the casting Vote; and no Order or Determination at any such Meeting, once made or agreed upon, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose such Revocation or Alteration shall have been given at a previous Meeting, and entered in the Minutes of such Meeting, and transmitted by Post to every Trustee not present at such previous Meeting who shall have been present at the Meeting where such Order or Determination was made, and such Notice shall also be published by Two several Advertisements in some Newspaper or Newspapers usually circulated in the County or District of the County where the Road or Roads or the principal Part thereof shall be, Ten Days at least previous to such subsequent Meeting; and it shall be lawful for any Two Trustees as aforesaid at any Time to call or require their Clerk to call a Meeting: Provided always, that Notice of such Meeting and of the Purpose thereof shall be published by Two Advertisements as aforesaid.

Officers to be appointed and Security to be taken.

IV. And be it enacted, That all such Trustees may and are hereby authorized to appoint Clerks, Collectors, Treasurers, Superintendents, Surveyors, and other Officers, with reasonable Allowances for their Trouble, and to take such Security from any of them for their Intromissions, and for the faithful Discharge of their Duty, as may be deemed expedient; and no Person acting as such Trustee, Clerk, Collector, Treasurer, Superintendent, Surveyor, or other Officer, shall directly or indirectly have or hold any Share or Interest in any Contract for making or repairing any of the said Highways, Bridges, or Ferries, under a Penalty of Twenty Pounds.

Trustees may pursue and be pursued in the Name of their Clerk, &c.

V. And be it enacted, That all such Trustees may pursue and be pursued in the Name of their Clerk or Treasurer for the Time being; and no Action or Process shall cease by the Death or Removal of such Clerk or Treasurer, but shall be continued in the Name of the Clerk or Treasurer for the Time.

VI. And

Books of Minutes and Accounts to be kept and audited.

VI. And be it enacted, That all such Trustees shall cause a Book or Books to be kept, in which shall be entered all the Minutes of their Orders and Proceedings, as also true and regular Accounts of all Service performed and of all Money received and expended on account of the Highways, Bridges, and Ferries under their Charge, specifying the Sums applied to ordinary Repairs, and to Improvements of each Highway, Bridge, and Ferry, and to Management and Expences, and the Sums due and not recovered, as also the Amount of Debt and Interest thereof; and such Accounts for the Year current at the passing of this Act shall be made up in each County or District of a County, and shall be audited and signed by Two of the said Trustees, or by their Preses, if more than Two be present, within a Year after the passing of this Act; and the Accounts so made up, audited, and signed shall include all Transactions preceding the Period of One Month before the Time at which they are so signed; and similar Accounts shall be annually thereafter made up, and shall in like Manner be audited and signed within One Month from the Time to which they are so made up; and after the first Year from and after the passing of this Act it shall not be lawful for any Person whatsoever to act in any way in the Collection of another Year's Conversion until such Accounts shall have been made up, audited, and signed as above directed.

Permission to inspect Accounts.

VII. And be it enacted, That any Person, having performed Service or paid the Conversion in Money or Assessment for the past or current Year, may see and take a Copy of the said Accounts or any Part thereof, on paying One Shilling to the Clerk or Treasurer for each Time of Inspection; and an Abstract of such Accounts shall be printed and published annually in at least One Newspaper usually circulated in the County or District where the Road or Roads or principal Part thereof shall be, within One Month after the said Accounts are audited and signed as aforesaid; and any Clerk or Treasurer neglecting to make up or refusing or not permitting Inspection of such Accounts as aforesaid, or failing to print and publish the Abstract thereof as aforesaid, shall forfeit and pay a Sum not exceeding Five Pounds to any such Person who shall prosecute for the same, with the Expences of Process or Proceedings.

Proceedings for Recovery of Conversion to commence within Six Months.

VIII. And be it enacted, That it shall not be lawful to commence any legal Process or Proceeding for the Recovery of any Sum due or leviable as Conversion of Statute Service, or Assessment in lieu of such Conversion, for making or maintaining any Highway, Bridge, or Ferry, after Six Months from the Time when the said Sum shall have become leviable; and in all Cases previous Demand shall be made Thirty Days before commencing such Process or Proceeding.

Mode of recovering Conversion Money.

IX. And be it enacted, That it shall be competent to recover any Sum under One hundred Pounds *Scots* due or leviable as aforesaid for making or repairing any Highway, Bridge, or Ferry, according to the Provisions of an Act passed in the Seventh Year of King *William* the Fourth and in the First Year of Queen *Victoria*, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriff Courts*, 7 W. 4. & 1 Vict. c. 41.

Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs, in Scotland, any thing to the contrary in any local Act notwithstanding: Provided always, that nothing herein contained shall in any way alter or affect any Enactment or Provision in any local Act relative to Warrants for Poinding for the Purpose aforesaid, or any Proceeding consequent thereon, saving and excepting that it shall not be competent after the passing of this Act to imprison any Person for Nonperformance of Statute Labour, or Nonpayment of the Conversion thereof or Assessment in lieu of such Conversion.

No Person liable to work or pay who does not possess Lands, &c. valued at 2*l.* yearly.

X. And be it enacted, That from and after this present Year One thousand eight hundred and forty-five it shall not be lawful to require any Person, not being the Proprietor or Occupier of Lands, Buildings, or other Heritable Subjects of the yearly Value of Two Pounds or more, to work or perform Statute Service on any Highway, Bridge, or Ferry, or to exact or levy Money from any such Person as Conversion of Statute Service, or otherwise for making or maintaining any Highway, Bridge, or Ferry; and all Warrants for Poinding or Imprisonment, and other legal Proceedings whatsoever, against any such Person as aforesaid, on account of Nonperformance of such Work or Service, or Nonpayment of such Money or Conversion, are hereby prohibited and discharged, saving and excepting such Proceedings as shall have been commenced before the last Day of *December* One thousand eight hundred and forty-five, which, notwithstanding any thing herein contained, may be continued and carried on in all respects as if this Act had not been passed.

Power to exempt Persons who do not possess Lands, &c. valued above 5*l.*

XI. And be it enacted, That it shall and may be lawful for all such Trustees, at a General Meeting assembled, on previous Notice of such Purpose being given as above directed, from Time to Time to fix and determine any Amount of yearly Value of Lands, Buildings, and other Heritable Subjects not under Two Pounds and not above Five Pounds, to the Proprietors and Occupiers of which such Trustees shall think fit to extend the said Exemption in any County or District of a County; and it shall not thereafter be lawful to require any Person, not being the Proprietor or Occupier of Lands, Buildings, or other Heritable Subjects of a yearly Value above the Amount so fixed, to work or perform Statute Service on any Highway, Bridge, or Ferry, or to exact or levy Money from any such Person as Conversion of Statute Service or otherwise for making or maintaining any Highway, Bridge, or Ferry.

Proprietors in certain Cases to be assessed instead of Tenants.

XII. And be it enacted, That in all Cases in which, by Authority of any local Act now in force, Money, as Conversion of Statute Service, or Assessment in lieu thereof, is authorized to be assessed on Lands, Buildings, or other Heritable Subjects, and is payable in whole or in part by the Occupiers or Tenants of such Lands, Buildings, or other Heritable Subjects, it shall and may be lawful to assess upon and recover from the Proprietor of any such Lands, Buildings, or other Heritable Subjects such Money, or Part thereof, as the Trustees appointed by such local Act may think proper, so payable by any Occupier or Tenant thereof, who is not Occupier or Tenant

or

or Proprietor of Lands, Buildings, or Heritable Subjects of the yearly Value in the whole of Two Pounds: Provided always, that if all the Lands, Buildings, or other Heritable Subjects belonging to such Proprietor shall not be of the yearly Value of Two Pounds, no Part of such Money shall be assessed upon or recovered from such Proprietor.

Assessments ceasing by this Act may be levied in any County upon all Lands, &c. not herein-before exempted.

XIII. And be it enacted, That in all Cases in which any Sum of Money heretofore exigible as Conversion of Statute Service, or Assessment in lieu thereof, shall under this Act cease to be so exigible, it shall be lawful for all such Trustees at a General Meeting assembled to assess in any County or District of a County any Sum not exceeding the Amount of the Conversion or other Money which by reason of this Act shall cease to be exigible, and to cause the same to be levied upon all Lands, Buildings, and other Heritable Subjects not herein-before exempted from Assessment, or to be added to the Sums otherwise assessable by any local Act, and that notwithstanding the Rate of Assessment should be thereby raised above the maximum Amount authorized by such local Act; and all such Sums so assessed or added shall be levied and applied in the same Manner as the Money might have been levied and applied in lieu of which the said Sums are assessed; and all such Sums shall be payable, one Half by the Owners, and the other Half by the Occupiers of the Lands, Buildings, or other Heritable Subjects so assessed; and it shall be competent to levy from the Occupiers the Half payable by the Owners, and such Occupiers shall be entitled to deduct such Half from the Rent payable to the Owners or other Parties having Right to such Rent.

Levying of Conversion Money as a Poll Tax to cease.

XIV. And whereas it is expedient to abolish the personal Performance of Statute Service, and the levying of the Conversion thereof in Money, or any Assessment in lieu of such Conversion, as a Poll Tax; be it enacted, That from and after this present Year One thousand eight hundred and forty-five it shall and may be lawful for all such Trustees at a General Meeting assembled, if they shall think fit, to order and direct that in any County or District of a County all such Performance of Statute Service, and all such levying of Conversion or Assessment in lieu thereof, shall cease and determine.

Trustees to ascertain the annual Value of Lands, &c. assessed.

XV. And be it enacted, That in the Case of such Assessment being laid upon Lands, Buildings, and Heritable Subjects as aforesaid, the annual Value thereof shall be ascertained by such Trustees in manner prescribed by the local Acts now in force, or in such and like Manner as the annual Value of Lands, Buildings, and Heritable Subjects is authorized and directed to be ascertained in Counties and Burghs respectively under and by virtue of an Act passed in the Second and Third Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to improve Prisons and Prison Discipline in* Scotland; and it shall be lawful for such Trustees, if they shall think fit, to assume the Amount ascertained as the annual Value of such Lands, Buildings, and Heritable Subjects in Counties and Burghs respectively, under the said recited Act, to be the Amount

2 & 3 Vict. c. 42.

on which the Assessment hereby authorized to be levied may be levied for the Purposes of this Act.

Proprietors not exempt from Debts due to Trustees under any other Act.

XVI. And be it enacted, That nothing herein contained shall extend or be deemed or construed to extend to prevent the commencing any legal Process or Proceeding for the Recovery of any Debt or Debts, Sum or Sums of Money, with Interest thereon, allocated and apportioned by virtue of any Act of Parliament now in force upon any Proprietor or Proprietors of Lands, Heritor or Heritors, according and in proportion to the real or valued Rents of such Lands within any County, and now due and owing by any such Proprietor or Proprietors, Heritor or Heritors, to any Trustees acting by virtue of any such Act of Parliament, but all such Debts, Sums of Money, and Interest thereon, may be recovered in the same Manner, to all Intents and Purposes, as if this Act had not been passed.

Wadsetters, &c. to be held Proprietors.

XVII. And be it enacted, That all Liferenters and Wadsetters shall be deemed and held to be Proprietors for all the Purposes of this Act; and that where any House has been or shall be built by any Tenant under a Building Lease, such Tenant, and his Heirs and Assignees, shall for the Purposes of this Act be deemed and taken to be Proprietor of such House.

Power to get Materials.

XVIII. And be it enacted, That it shall be lawful for all such Trustees, or any Person authorized by them, to search for, dig, and carry away Materials for making or repairing any Highway, Bridge, or Ferry, or for building, making, or repairing any Work connected therewith, from any common Land, open uncultivated Land, or Waste, or to deposit Mud or Rubbish thereon, without paying any Surface Damages or any thing for such Materials, except for Stone to be used for building, and to carry the same through the Ground of any Person; such Trustees, or other Persons authorized by them, filling up the Pits or Quarries, levelling the Ground wherefrom such Materials shall be taken, or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Person or Cattle, and paying for or tendering the Damage done by going through and over any inclosed or arable Lands for or with such Materials, Mud, or Rubbish, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for such Trustees, and other Persons authorized by them, as aforesaid, to search for, dig, and carry away any such Materials in or out of the inclosed Land of any Person where the same may be found, and to land or carry the same through or over the Ground of any Person (such Materials not being required for the private Use of the Owner or Occupier of such Land, and such Land or Ground not being an Orchard, Garden, Lawn, Policy, Nursery for Trees, planted Walk or Avenue to any House, nor inclosed Ground planted as an Ornament or Shelter to a House, unless where Materials have been previously in use to be taken by the said Trustees), making or tendering such Satisfaction for Stones to be used for building, and for the Surface Damage done to the Lands from whence such Materials shall be dug and carried away, or over or on which the same shall be carried or landed, as such Trustees

Satisfaction.

shall judge reasonable; and in case such Trustees and the Proprietor or Occupier of such Lands shall differ as to the Amount of such Payments and Damages as aforesaid, it shall be competent to the Sheriff or Justices of the Peace for the Shire wherein the Place from whence such Materials shall have been taken, or on which the same shall have been landed or carried, shall be situate, on the Application of either Party, with Induciæ of Six Days, to hear and determine all Questions as to the Amount of such Payments and Damages, and the Expences attending the same: Provided always, that before taking such Materials from any inclosed Land from which the same shall not previously have been in use to be taken, Fourteen Days previous Notice in Writing, signed by Two Trustees, shall be given to or left at the usual Residence of the Proprietor and Occupier of the Land or Quarry from which it is intended to take the same, or his or her known Agent, to appear before the Sheriff or any Two Justices of the Peace acting for the Shire where the said Lands are situate, to show Cause why such Materials shall not be so taken; and in case such Proprietor, Occupier, or Agent shall attend pursuant to such Notice, or shall neglect or refuse to appear (Proof on Oath in such Case being duly made of the Service of such Notice), such Sheriff or Justices shall authorize or prohibit the Trustees to take such Materials, or make such Order as they shall think fit.

Notice to be given before Materials are taken from inclosed Lands.

XIX. And be it enacted, That it shall not be lawful for any Person to take away any Materials which shall have been procured or provided or used for making or repairing any Highway, Bridge, or Ferry, or to take any Materials out of any Quarry, which shall have been opened by any such Trustees for the Purpose of getting Materials, so as to interrupt or interfere with the Workings carried on by such Trustees; and every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on taking away Materials provided for repairing Highways, Bridges, or Ferries.

XX. And be it enacted, That it shall be lawful for all such Trustees to make a Road through the Grounds adjoining to any ruinous or narrow Part of any Highway (not being an Orchard, Garden, Lawn, Policy, planted Walk or Avenue to any House, or Nursery for Trees), to be made use of as a public Highway whilst the old Road is repairing or widening, making Recompence to the Proprietor and Occupier of such Grounds for the Damages they may thereby sustain; and in case such Trustees and such Proprietor or Occupier shall differ as to the Amount of such Damages, it shall be competent to the Sheriff or Justices of the Peace for the Shire where such Damages or any Part thereof shall have been incurred, on the Application of either Party, with an Induciæ of Six Days, to hear and determine all Questions as to the Amount of such Damages, and the Expences attending the same.

Power to use adjoining Ground as a temporary Road.

XXI. And be it enacted, That it shall be lawful for all such Trustees to make sufficient Side Drains on any Highway, with Power to conduct the Water therefrom into any adjoining Land, Ditch, or Watercourse (such Land not being the Site of any House or Garden),

Trustees to make Side Drains.

Garden), in such Manner as shall be least injurious to the Proprietor or Occupier of such Land, the said Side Drains to be maintained at the Expence of the Trustees.

Trustees may make Ditches.

XXII. And be it enacted, That it shall be lawful for all such Trustees to make sufficient Ditches along the Side of any Highway, provided that if the Land is inclosed on the Side of such Highway such Ditch shall be made on the Field Side of the Fence, and also to make proper Ditches and Outlets from the said Side Ditches through any Lands adjoining any such Highway (not being the Site of any House or Garden), in such Manner as shall be least injurious to the Proprietor and Occupier of such Land; and the Occupier of such Land (unless such Land be uninclosed and waste) shall be obliged in all Time thereafter to keep clear such Side Ditches and other Ditches or Outlets, as well as all such Ditches already made along the Sides of any Highway, when so required by the said Trustees or their Surveyor; and in case the Proprietor or Occupier shall neglect or refuse to cleanse such Side Ditches or other Ditches or Outlets, when duly required by such Trustees or Surveyors, such Trustees or Surveyors are hereby empowered to cleanse such Side Ditches or other Ditches or Outlets, and levy the Expence thereof from the Occupier of such Grounds: Provided always, that nothing herein contained shall prohibit any Proprietor or Occupier from substituting, to the Satisfaction of the Trustees, any other equally effectual Ditch or Outlet in place of that constructed by the Trustees.

Timber, Stones, &c. left on Roads may be seized.

XXIII. And be it enacted, That it shall be lawful for any such Trustee or Surveyor of any Highway, or other Person authorized by the said Trustees, *brevi manu*, to seize and carry off any Timber, Stone, Dung, Rubbish, or other Matter or Thing whatsoever laid or left upon any such Road or Footpath, or on any Side Drain or Ditch of such Road, and to sell or otherwise dispose of the same as a Forfeiture in such Manner as the Trustees shall direct, unless such Matter or Thing shall be previously redeemed by the Owner thereof by Payment of the Penalty in such Case enacted: Provided always, that the Proprietor or Occupier of any Lands or Houses may lay down any Materials for building or repairing any House or Wall immediately adjoining any Highway, such Materials occupying One Fourth Part of such Road only, and such Proprietor or Occupier giving Three Days previous Notice in Writing to the Clerk or Surveyor of the Road, and erecting such Fence round such Materials, and fixing and lighting Lamps thereon, in such Manner as the Trustees may require.

Penalties on Persons making Encroachments.

XXIV. And be it enacted, That if any Person shall fill up or obstruct any Ditch at the Side of any Highway, or any Ditch used for conveying Water from the said Road, or any Side Drain thereof, or Ditch or Drain under the same, or shall encroach by making any Dwelling House or other Building, or any Hedge, Ditch, or other Fence, or in any other Manner whatever, on any Highway, or shall make any Drain, Gutter, Sink, or Watercourse across, under, or upon, or shall turn or conduct any Drain or Water across, under, or upon,

upon, or in any way break up the Surface of any Highway, without the Consent in Writing of the Trustees of such Highway, or of their Surveyor, such Person shall forfeit for every such Offence a Penalty not exceeding Five Pounds; and it shall be lawful for the Trustees of any such Highway to cause such Dwelling House or other Building, Hedge, Ditch, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment, to be taken down or filled up at the Expence of the Person so offending.

Parishes to defray Damages to Parapets, &c. committed by Persons undiscovered.

XXV. And be it enacted, That it shall be lawful for all such Trustees, where the Parapet of any Bridge, or any Fence, Milestone, Direction Post, or any Erection, Building, Matter, or Thing belonging to the said Trustees, or used for the Purposes of the Trust under their Management, shall be destroyed or injured, and the Persons so offending cannot be discovered and convicted, to complain to the Sheriff or Justices of the Peace of the Shire in which such Damage shall have been committed, having previously given Notice in Writing of their Intention of making such Complaint on the Church Door of the Parish in which the said Damage shall have been committed for Two consecutive *Sundays*, and which Complaint the said Sheriff or Justices shall hear in a summary Way; and if they shall sustain the same they are hereby empowered and required to assess the Amount of such Damage, and the Expences of Process or Proceedings, upon the Proprietors, Occupiers, and such other Persons of the Parish wherein such Damage shall have been committed as aforesaid as would if this Act had not been passed have been liable for the Payment of the Conversion Money leviable for Statute Labour in the Shire in which such Parish is situated, which Assessment shall be levied by the said Trustees upon the same Persons, in the same Proportions, with the same Relief to Landlords against Tenants, and in the same Manner as the said Conversion Money may be levied; and in the event of any fractional Part of such Assessment being less than a Halfpenny the whole of such Halfpenny shall be leviable from the Individual in whose Assessment such Fraction shall occur, and any Surplus that may arise therefrom shall be applied to the Repair of the Roads.

Penalty on Persons committing Nuisances, &c.

XXVI. And be it enacted, That if any Person shall ride upon any Footpath or Causeway on or by the Side of any Highway made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage apart therefrom, upon any such Footpath or Causeway; or shall wilfully obstruct, or do or cause any Injury or Damage to be done to the same, or to the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull down or damage any Bridge, Wall, or any Building, Fence, or Erection made by the Trustees of any Highway, or repaired or repairable by them; or shall break, injure, remove, or displace any Tools, Trestles, Bars, Stones, Materials, or other Article whatsoever belonging to such Trustees, or used on any such Road under their Authority; or shall haul or draw, or cause to be hauled or drawn, upon any Part of any Highway, any Timber, Stone, or other Thing, otherwise than

upon a wheeled Carriage, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon a wheeled Carriage to drag or trail upon such Road; or in ploughing or harrowing any adjacent uninclosed Land shall turn any Horse, Plough, or Harrow in or upon such Road or the Side Drains or Ditches thereof; or shall, in or upon such Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person, driving any Carriage, Cart, Horse, or other Beast on such Road, conveying any Iron Bar or Rod, Tree, Wood, Stone, Basket, or Pannier, or any other Matter or Thing, except Hay and Straw, suffer the same to project by more than Thirty Inches from the Side of such Horse or other Beast, or more than One Foot laterally beyond the Wheels of such Carriage, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along such Highway; or if any Person shall carry any Timber or other Article above Twenty-five Feet long on any Cart or Carriage not having more than Two Wheels; or if any Hawker, Higgler, Gipsy, or other Person shall pitch any Tent or encamp upon or by the Sides of any Part of any Highway; or if any Person occupying or using a Blacksmith's Shop, Foundry, Smelting House, Iron or Brass Work, Boiler-making Work, Glass Work, Soda, Soap, or Chemical Work, shall not, by good and close Shutters, every Evening after it becomes Twilight, or otherwise, bar and prevent the Light from such Shop shining into or upon such Road, and from being dangerous or detrimental to Travellers; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever within One hundred Feet of the Centre of such Road, or shall discharge any Gun, Pistol, or other Firearms, fly Kites, or bait or run for the Purpose of baiting any Bull, or play at Football, Tennis, Fives, Cricket, or any other Game or Games upon such Road, or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Cart, or other Carriage whatever upon such Road or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, except in Cases of Accident, and in Cases of Accident for a longer Time than may be necessary to remove the same, or shall not place such Waggon or other Carriage during the Time of loading or unloading the same, or of taking Refreshments, as near to one Side of such Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon such Road or on the Side or Sides thereof, or the Footpaths or Causeways adjoining; or shall hang or lay any Linen Clothes or other such Article on any Hedge or Fence of any such Road; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow into or upon such Road or Footpaths from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon such Road shall suffer such Pigs or Swine to root up or damage such Road, or the

Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on such Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if any Person shall pull down, damage, injure, or destroy any Lamp or Lamp Post put up, erected, or placed in or near the Side of any Highway, or shall extinguish the Light of any such Lamp; every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Fifty Shillings, over and above the Damages occasioned thereby.

Regulation of Drivers.

XXVII. And be it enacted, That if the Driver of any Cart, Waggon, or other such Carriage on any Highway shall ride on the Shafts, or in or on any other Part of such Carriage, without having and holding Reins attached to each Side of the Bridle of each Beast of Draught drawing such Cart or Carriage, or shall at any Time leave the same travelling on any such Road without having some Person to guide the Beast or Beasts of Draught drawing the same, or shall allow to go at large any Dog that may be attending him, or his Waggon, Cart, or other such Carriage, or shall not chain or fasten the same to such Waggon, Cart, or Carriage, or if the Driver of any Sort of Carriage shall not keep to the left or near Side of such Road on meeting or on being overtaken by any other Carriage or any Rider, or shall wilfully prevent any other Person passing him or his Carriage, such Driver shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds over and above the Damages occasioned thereby.

As to One Driver taking charge of Two or more Carts, &c.

XXVIII. And be it enacted, That if One Person act as the Driver of more than Two Carts, Waggons, or other such Carriages on any Highway, or if the hinder of Two Carts, Waggons, or other such Carriages, under the Care of only One Person, shall be drawn by more than One Horse, or if the Horse of such hinder Cart, Waggon, or Carriage shall not be attached by a Rein to the back of the Cart which shall be foremost, and follow in the same Line therewith, the Horse drawing such hinder Cart not being permitted to be further from the foremost than Six Feet, the Owner or Driver of every such Waggon, Cart, or other Carriage shall for each Transgression in any of the Points aforesaid forfeit and pay a Sum not exceeding Forty Shillings.

Children not to drive Carts, &c.

XXIX. And be it enacted, That no Waggon or Cart travelling on any Highway shall be driven by any Person who shall not be of the full Age of Fourteen Years, under a Penalty for each such Offence not exceeding Forty Shillings, to be paid by the Owner of such Waggon or Cart.

Persons opening up Roads for laying Pipes for Water, &c. must repair them.

XXX. And be it enacted, That if the Causeways and Footpaths of any Highway, or any Part of such Highway, shall be opened up by any Person or Persons, with Leave of the said Trustees, or otherwise having Authority so to do, for the laying of Pipes for Water, Gas, Tunnels, or Railroads, or for any other Purpose whatever, and the same shall

shall not be immediately thereafter repaired, renewed, and rendered completely sufficient and good by the Person or Persons opening up the same to the Satisfaction of the said Trustees or their Surveyor, then the said Trustees or their Surveyor shall have full Power and they are hereby authorized to execute the necessary Repairs on the Part or Parts of such Road or Footpath so opened up, and to restore the same completely, and to charge the Expence thereof against the Person or Persons opening up the same, which shall be ascertained by an Account under the Hands of the said Trustees or a Quorum of them, or of their Clerk or Surveyor; and if any Damage shall happen to the Public from the Operations of the Persons opening up the Road as aforesaid, such Persons shall be solely liable for the same, and be obliged to relieve the said Trustees thereof, and of all Expences attending the same; and in all Cases where any Injury shall arise to any Highway from any Drain, Conduit, Pipe, Water, Matter, or Thing whatsoever being conveyed across, in, under, or upon, or by any thing done upon, any Part of any such Road by any Person having Leave or otherwise entitled so to do, and such Injury shall not be immediately repaired to the Satisfaction of the Trustees, they or their Surveyor are hereby authorized to repair the same, and charge the Expence thereof as aforesaid against the Person occasioning the said Injury, or for whose Uses or Purposes the Thing occasioning the same shall be done or kept.

Surveyors, &c. not to leave Materials unnecessarily on the Roads.

XXXI. And be it enacted, That if the Surveyor of any Highway, or any Contractor or other Person employed on such Road, shall lay on any Part of any such Road any Heap of Stones or other Materials for the Repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such Materials, or shall lay on any such Road any Matter or Thing, or shall knowingly permit to remain on any Part of any such Road any Matter or Thing, which may endanger the Safety of any Passenger, or shall dig any Pit or make any Cut on any Highway without sufficiently fencing the same, such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds over and above the Damages occasioned thereby, and Expences; and it shall be lawful for any Person travelling along any Highway to prosecute for such Sum, Damages, and Expences in manner herein-after provided: Provided always, that it shall be lawful for any such Surveyor, Contractor, or other Person to have on any such Road, during Daylight, any Trestles or Bars in any such Manner as the Trustees of such Road may judge necessary to prevent Interruption of the Work during the repairing of the Road, or to prevent Carts or Carriages from running in Tracks injurious to the Road: Provided also, that such Trestles or Bars shall at all Times be placed in such Manner as not to be more inconvenient to Passengers than may be necessary to prevent Interruption to the Work, or to prevent Carts or Carriages from running in Tracks injurious to the Road.

Proprietors to fence Pits made near the Roads.

XXXII. And be it enacted, That if the Proprietor or Occupier of any Lands adjacent to any Highway shall dig any Pit or make any Cut upon or within Twelve Feet of the Side of any such Road, and shall leave the same unfenced so as to be dangerous to Travellers, and

and shall not fence the same when required so to do by any Two of the Trustees of such Road, or any Procurator Fiscal of the Shire within which the said Pit or Cut is situated, such Proprietor or Occupier shall forfeit and pay a Sum not exceeding Five Pounds for every Day such Pit or Cut shall continue to be unfenced beyond Three Days after Notice shall have been given as aforesaid, and it shall be lawful, after such Notice, for the said Trustees or Procurator Fiscal to cause the same to be fenced at the Expence of such Proprietor or Occupier.

No Animal to be pastured on the Roads.

XXXIII. And be it enacted, That if any Horse, Cattle, Ass, Sheep, Swine, or other Beast of any Kind shall be pastured, or left or permitted to remain, or found straying on any Highway, or the Sides thereof (except on such Parts of any Road as pass through or over any Common or Waste Ground, or Land not inclosed, unless it be arable on one Side), the Person so pasturing or leaving such Beast, or permitting the same to remain, or the Person having the Charge of such Beast, or the Owner thereof if such Person cannot be found, shall forfeit and pay a Sum not exceeding Five Shillings for every such Beast; and it shall be lawful for any Trustee of such Highway, or the Surveyor of such Trustees, or any other Person authorized by them, *brevi manu*, to seize and detain the same until such Penalty and the Expences of Process and Proceeding shall be paid; and in case the said Penalty and Expences shall not be paid within Three Days after Notice of such Detention shall be given at the Parish Church nearest to the Place where such Animal shall be found, the said Surveyor or other Person shall sell the same, with the Authority of the Sheriff or any Justice of the Peace for the Shire, who are hereby empowered to grant such Authority; and, after deducting the Amount of the said Penalty and Expences, such Surveyor or other Person shall pay the Surplus, if any, to the Owner of such Animal so detained.

Side Ridges to be made in uninclosed Lands.

XXXIV. And be it enacted, That every Person in ploughing any uninclosed Land adjoining any Highway shall make Side Ridges along the Sides of such Road of the Breadth of Twelve Feet at the least, under a Penalty not exceeding Five Pounds.

Gates to open inwards.

XXXV. And be it enacted, That no Gate of any Park, Field, or Inclosure whatsoever shall be made to open into or towards any Part of any Highway, or be suffered so to open, except the Hanging Post thereof shall be fixed or placed so far from the Centre of any Part of such Road as that no Part of such Gate shall, when open, project over any Part of such Road, or of any Footpath belonging thereto; and the Occupier of any Park, Field, or Inclosure having any Gate opening outwards, contrary to the Meaning of this Act, shall, within Six Days after Notice to him or her given, either personally or in Writing, from the Trustees of such Road or their Surveyor, cause such Gate to be hung so that no Part of the Gate, when open, shall project over any Part of such Road, or of any Footpath belonging thereto; and if such Occupier fail so to do, the Surveyor of any such Road shall cause the Gate to be hung

as herein-before directed, and charge the Expence of making such Alteration and hanging such Gate against the said Occupier, who shall, over and above such Expence, forfeit and pay a further Sum, not exceeding Five Pounds, for such Neglect.

Weeds to be cut by Trustees.

XXXVI. And be it enacted, That the Trustees of every Highway shall cut or cause to be cut all Weeds growing on the same or the Sides thereof, when inclosed, at a proper Season of the Year, in order to prevent such Weeds coming into Seed; and if they fail so to do for Eight Days after being required by the Proprietor or Occupier of the adjoining Land, by Notice in Writing given to their Clerk or Surveyor, such Proprietor or Occupier may cut the same, and charge the Expence thereof against the said Trustees.

Owners of Waggons, Carriages, &c. shall cause their Names to be painted thereon.

XXXVII. And be it enacted, That the Owner of every Waggon or Cart, and also of every Coach, Post Chaise, or other Carriage, let either in the whole or in part to Hire, shall paint in a straight Line horizontally upon some conspicuous Part on the off or right Side of his Waggon or Cart, and upon the Panels of the Doors of all such Coaches, Post Chaises, or other Carriages, before the same shall be used upon any Highway, the Christian and Surname and Place of Abode of such Person, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, in large legible Roman Letters, either of a dark Colour upon a light Ground or of a light Colour on a dark Ground, not less than One Inch in Height, with Numbers, beginning with Number One where more of such Carriages respectively than One shall belong to the same Owner, and proceeding in regular Progression, and shall continue the same thereupon as aforesaid so long as such Waggon, Cart, or other Carriage shall be used upon any Highway; and every Owner of any such Waggon, Cart, or other Carriage using or allowing the same to be used upon any Highway without the Names and Descriptions painted thereon respectively as aforesaid, and every Person driving the same, shall forfeit for every such Offence a Sum not exceeding Forty Shillings; and every Person driving any such Waggon, Cart, or other Carriage, who shall refuse to stop, and permit the Name to be read or uncovered by any Person requiring him so to do, shall over and above forfeit for every such Offence any Sum not exceeding Forty Shillings.

Trustees may prosecute before Sheriff and Justices at the Expence of the Trust.

XXXVIII. And be it enacted, That it shall be lawful for the Procurator Fiscal and for all such Trustees, or any Person authorized by them, or for any One of their Number, to prosecute for any Expences, Penalty, Forfeiture, or Fine imposed by this or any Act made for making or maintaining any Highway, Bridge, or Ferry, and to recover the same, before the Sheriff or the Justices of the Peace of the Shire in which the same shall have become due or been incurred, or where the Offender shall reside, subject to Appeal in manner herein-after mentioned; and it shall be lawful for the said Trustees to allow the Expences of such Prosecutions to be defrayed out of the Funds of the Trust.

XXXIX. And

XXXIX. And be it enacted, That all Expences, Penalties, Forfeitures, and Fines imposed by this or any such Act as aforesaid (excepting such Penalties as are herein otherwise directed to be recovered and applied) shall, after hearing the Party complained of, or on the Nonappearance of such Party after Summons, on an Induciæ of Six Days, personally, or at the Dwelling Place of such Party, (of which the Oath of One Witness, or an Execution of Citation without Witnesses, shall be sufficient Evidence,) upon Proof of the Fact before the Sheriff or Justices of the Peace for the Shire in which the same shall have become due or been incurred, or where the Offender shall reside, either by the Confession of the Party offending or by the Oath of any One credible Witness, or other competent Evidence, be levied, together with the Expences of the Prosecution and Conviction, by Poinding and Sale of the Goods and Effects of the Party offending, by Warrant under the Hand of such Sheriff or Justices (which Warrant such Sheriff or Justices are hereby empowered to grant); and the Surplus (if any), after deducting such Expences, Penalties, Forfeitures, and Fines, and the Expences of the Proceedings and Charges of such Poinding and Sale, shall be returned to the Owner of such Goods and Effects; and in case the same shall not be forthwith paid upon Conviction, then it shall be lawful for such Sheriff or Justices to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Poinding, unless the Offender shall give sufficient Security, to the Satisfaction of and to the Amount fixed by such Sheriff or Justices, for his or her Appearance before such Sheriff or Justices on such Day as shall be appointed for the Return of such Warrant of Poinding, which Security the said Sheriff or Justices are hereby empowered to take by Bond of Caution or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, then it shall be lawful for the said Sheriff or Justices, in all Cases where the Penalties sought to be recovered shall exceed the Sum of Forty Shillings, and they are hereby authorized and required, by Warrant under their Hand, to cause such Offender to be committed to the Common Gaol or House of Correction of the Shire where the Offender shall be or reside, there to remain for any Time not exceeding Four Months, unless such Expences, Penalties, Forfeitures, and Fines, and the Expences of the Proceedings, shall be sooner paid; and in all Cases where the Penalties awarded shall be less than the Sum of Forty Shillings the said Sheriff or Justices may, when no Effects can be found as above, commit the Offender to Prison for any Time not exceeding Two Months, unless the said Penalties, Fines, and Expences shall be sooner paid; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, if not otherwise directed to be applied by this Act, or the Act under which the same shall have been incurred, or in so far as not directed by the Sheriff or Justices to be paid towards the Expences of the Proceedings, shall be paid to the Trustees for making and maintaining the Roads, or to their Treasurer, and applied and disposed of for the Purposes of such Roads.

Proceedings for recovering Penalties, &c.

XL. And

Summary Process.

XL. And be it enacted, That it shall be lawful for the Sheriff or any One Justice before whom any Complaint for the Recovery of any such Expences, Penalties, Forfeitures, or Fines may be brought, to proceed, if such Sheriff or Justice, duly considering the Nature of the Case, shall think fit, and not otherwise, in a summary Way, and to grant Warrant for bringing the Parties complained upon before him for Examination, and after hearing Parties, on Confession or Probation by the Oath of any credible Witness or other competent Evidence, to proceed to determine thereon, without any written Pleadings or Record of Evidence, and to grant Warrant for levying the said Penalties by Poinding and Sale, and in the Case of a Return of no Effects, or in case it shall appear to the Satisfaction of such Sheriff or Justice that no sufficient Effects can be found, for Commitment of the Offender as above enacted; but in all such Cases a Record shall be preserved of the Charge and of the Judgment pronounced.

Attendance of Witnesses.

XLI. And be it enacted, That if any Person shall be summoned as a Witness to give Evidence before any Sheriff or before any Justice of the Peace touching any Matter contained in any Act relating to Highways, Bridges, or Ferries, or in this Act, either on the Part of the Prosecutor or the Person accused, and shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Refusal or Neglect, then such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds; and it shall be no Objection to any Witness that such Witness shall have appeared without Citation, or without having been regularly cited.

For securing transient Offenders.

XLII. And whereas Offences may be committed against this Act, or other Acts for making and maintaining Highways, Bridges, or Ferries, by Persons unknown to the Surveyors or other Officers; be it therefore enacted, That it shall be lawful for any of the Trustees of any Highway, or any of their Clerks or their Surveyors or other Officers respectively, and such other Person as any of them shall call to their Assistance, or for any Person seeing any Offence committed against this or any such Act, without any Warrant or other Authority than this Act, *brevi manu*, to seize and detain any unknown Person who shall commit any such Offence, and take such Person without Delay before the Sheriff or any neighbouring Justice of the Peace for the Shire where the Offence shall have been committed or where such Offender shall be seized and apprehended, who shall forthwith examine and discharge or commit such Person till Caution de judicio sisti be found, or shall proceed in the summary Way above directed, as the Case may seem to require.

Appeal.

XLIII. And be it enacted, That any Person who shall think himself or herself aggrieved by any Judgment or Proceedings of any Justice or Justices of the Peace in the Execution of this Act, for which no particular Relief has been hereby provided, may, within Three Months after such Judgment or Proceedings, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions, the Appellant giving Fifteen Days previous Notice of such Appeal to the

opposite Party, and to the Clerk of the said Trustees and the Clerk of the Justices of the Peace, and finding Caution to pay the Expences of such Appeal; and where by this Act the adjudging of any Penalty, Forfeiture, or Fine, or the determining the Amount of any Payment, Damages, or Expences, or any other Matter, is committed to any Justice or Justices of the Peace, or to the Sheriff, or to the Justices of the Peace assembled in their Quarter Sessions, originally or by Appeal, all Judgments, Determinations, and Proceedings of such Justice or Justices not appealed from as aforesaid, and of such Sheriff or Quarter Sessions, shall be final and conclusive, and shall not be subject to Review by Advocation or Suspension, or by Reduction, or by any Process of Law or Court whatsoever, any Law or Usage to the contrary notwithstanding.

Judgment of Sheriff or Quarter Sessions to be final.

XLIV. And be it enacted, That all Warrants, Interlocutors, Judgments, and Sentences of Sheriffs and Justices, issued or pronounced under the Authority of this Act, may be enforced against the Person or Effects of any Party or Witness in any other County, as well as in the County where the same are issued or pronounced: Provided always, that such Warrants, Interlocutors, Judgments, and Sentences shall be endorsed by the Sheriff or a Justice of the Peace of such other County; and such Endorsation shall be sufficient Authority to the Constables or Sheriff's Officers of the original County or of such other County to put the same to Execution within such other County.

Warrants, &c. may be enforced in any other County.

XLV. And be it enacted, That all Civil Causes and Prosecutions for Penalties, Forfeitures, and Fines commenced before the passing of this Act, on account of any Matter concerning any Highway, Bridge, or Ferry, shall be carried on and concluded in the same Manner as if this Act had not been passed; and nothing contained herein or in any local Act shall render it incompetent for any Sheriff to hear and determine any Civil Causes or Prosecutions for Penalties, Forfeitures, and Fines on account of any of the Matters herein-before or in any local Act enacted, according to the Provisions of an Act passed in the Seventh Year of King *William* the Fourth and in the First Year of Queen *Victoria*, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs, in* Scotland.

Existing Causes not to be affected hereby, nor the Powers of Sheriffs.

7 W. 4. & 1 Vict. c. 41.

XLVI. And be it enacted, That all Civil Causes, Petitions, Complaints, and Processes whatsoever, and Prosecutions or Proceedings, for Expences, Penalties, Forfeitures, and Fines imposed by this Act or any local Act, or for any Damages incurred or any Wrongs done or Injuries suffered in any Matter thereto relating, or for any thing done in pursuance of any of the Powers by this or any such Act given and granted, shall be commenced within Six Calendar Months after the Penalty, Forfeiture, Fine, or Damage shall have been incurred, or Wrong done or Injury suffered, or Fact committed, and not afterwards: Provided always, that nothing in this Clause contained shall apply to or affect in any way what is above enacted concerning

Prosecutions to be brought within Six Months.

Processes and Proceedings for the Recovery of any Sum due or leviable as the Conversion of Statute Service, and the Expences thereof.

Not to extend to Middle District, Edinburgh.

XLVII. And be it enacted, That nothing in this Act contained shall be construed to extend or apply to the Middle District in the County of *Edinburgh*.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XLII.

An Act to enable Canal Companies to become Carriers of Goods upon their Canals.

[21st *July* 1845.]

WHEREAS by divers Acts of Parliament Railway Companies have been empowered to convey upon their Railways all such Goods, Wares, Merchandize, Articles, Matters, and Things as may be offered to them for that Purpose, and to make such reasonable Charges for such Conveyance as they may from Time to Time determine upon: And whereas greater Competition for the public Advantage would be obtained if similar Powers were granted to Canal and Navigation Companies which have from Time to Time been incorporated or established under the Authority of Parliament; but such beneficial Purpose cannot be effected without the Authority of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Company of Proprietors, Trustees, or the Undertakers of any Canal, River, or Navigation, or their respective Committees, Directors, or Managers, or their Superintendents or other Agents by them duly authorized, to carry as Common Carriers for their own Profit upon their respective Canals,

Enabling Canal Companies to carry Goods on their Canals, or Canals communicating therewith.

Canals, Rivers, or Navigations, or upon any Railways or Tramways belonging thereto, and constructed under the Powers of their respective Acts of Parliament, or upon any other Canals, Rivers, or Navigations communicating therewith, either directly or by means of any intermediate Canal, River, or Navigation, all such Goods, Wares, Merchandize, Articles, Matters, and Things as may be intrusted to them for that Purpose, and for the better enabling them so to do to purchase, hire, and construct, and to use and employ, any Number of Boats, Barges, Vessels, Rafts, Carts, Waggons, Carriages, and other Conveniences, and also to establish and furnish such Haulage, Trackage, or other Means of drawing or propelling the same, either by Steam, Animal, or other Power, or for the Purpose of collecting, carrying, conveying, warehousing, and delivering such Goods, Wares, Merchandize, Articles, Matters, and Things, as to any such Company or Undertakers shall seem fit, and to make such reasonable Charges for such Conveyance, warehousing, Collection, and Delivery as they may respectively from Time to Time determine upon, in addition to the several Tolls or Dues which any such Company or Undertakers are now authorized to take for the Use of their said Canals, Navigations, or Railways.

Company to be subject to the Bye Laws of any other Company upon whose Canal they may act as Carriers.

II. Provided always, and be it enacted, That any such Company, Commissioners, Trustees, or Undertakers using or employing any Steam Power for propelling by means of Paddle Wheels, Boats, Barges, Vessels, or Rafts, upon any Canal, River, or Navigation, (other than their respective Canals, Rivers, and Navigations,) shall use and employ the same, subject to such Bye Laws, Rules, and Regulations touching the Construction, Dimensions, Power, Rate of Speed, and otherwise, of such Boats, Barges, Vessels, or Rafts so propelled by Steam as aforesaid as the Directors, Commissioners, or Undertakers of the Canals, Rivers, and Navigations respectively on which such last-mentioned Boats, Barges, Vessels, or Rafts shall be used and employed shall see fit to make and publish in that Behalf, and they are hereby authorized and empowered to make and publish such Bye Laws, Rules, and Regulations, and from Time to Time to add to or amend the same, as Need may require; but it is hereby expressly provided and enacted that any Bye Laws, Rules, and Regulations so to be made and published shall be made equally applicable to and binding on all Companies and Persons so using such last-mentioned Boats, Barges, or other Vessels.

Canal Companies may provide Boats and Power for hauling and tracking Vessels of other Persons.

III. And be it enacted, That it shall also be lawful for any such Company, Trustees, or Undertakers to purchase and provide and use Boats and other Vessels, and also Horses, Steam or other Power, and Machinery, for hauling, tracking, and towing, upon their own Canals, Rivers, or Navigations, or upon any other Canals, Rivers, or Navigations communicating therewith, either directly or by means of any intermediate Canal, River, or Navigation, and to employ a sufficient Number of competent Persons for those Purposes, and to demand and receive for the Use of such Boats, and for such hauling, tracking, or towing, such reasonable Hire or Remuneration as shall be fixed by the respective Committees, Directors, or Managers of such Canals or Navigations, or as shall be agreed upon between them and any Person desiring

desiring the Use of any such Boats or Vessels, or requiring such hauling, tracking, or towing.

Tolls, &c. to be charged equally to all Persons.

IV. Provided always, and be it enacted, That all Charges to be made by any such Company for the Carriage of any such Goods, Wares, Merchandize, Articles, or Things, or for the Use of their Boats and other Vessels, or for the Supply of Haulage, Trackage, or other Power, shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile, or *per* Ton *per* Mile, or otherwise, in respect of all Goods, Wares, Merchandize, Articles, and Things of a like Description, and conveyed or propelled in a like Boat or Vessel at the same Rate of Speed, and passing along the same Portion of any such Canal or Navigation under the like Circumstances, and no Reduction or Advance in any of such Charges shall be made, either directly or indirectly, in favour of or against any particular Company or Person passing along or using, or sending Goods, Wares, Merchandize, Articles, or Things along the same Portion of any such Canal or Navigation under the like Circumstances.

Company may sue and be sued as Carriers, and may prefer Indictments.

V. And be it enacted, That any Canal or Navigation Company exercising the Powers by this Act granted shall have all the same Powers and Remedies for recovering any Sum or Sums of Money which shall or may become due and owing to such Company as Carriers, or for the Use of any Boats or Vessels, or for the Supply of any Haulage, Trackage, or other Power, by virtue of this Act, as are given to them respectively by their said several Acts of Parliament in reference to the Tolls and Duties thereby made payable, or they may, at their Option, sue for and recover such Charges, or any Part thereof, in any of the Superior Courts; and such Company may in like Manner be sued for any Loss sustained by any Person or Persons employing the said Company as Carriers, or for any Neglect or Misconduct of such Company or their Servants in respect of their Conduct as Carriers by virtue of this Act; and such Company may prosecute any Indictment or other Proceeding at Law in respect of any Offence arising or being committed in the course of such carrying or other Proceeding under this Act; and it shall be sufficient if any Goods or other Things which are set out in any Indictment shall be described and laid to be the Property of the said Company.

Provisions in force relating to Common Carriers to apply to such Companies.

VI. Provided always, and be it enacted, That nothing herein contained shall in any Case extend to charge or make liable any such Company further or in any other Case than where, according to the Laws of this Realm for the Time being, Common Carriers would be liable; nor shall any thing herein contained extend to deprive such Company of any Protection or Privilege which either now or at any Time hereafter Common Carriers have or may be entitled to, but such Company shall from Time to Time and at all Times have and be entitled to the Benefit of every such Protection and Privilege.

Companies empowered to contract with other

VII. And whereas, in order to facilitate the Conveyance of Goods and Merchandize and other Matters and Things in manner aforesaid, it is expedient that Canal and Navigation Companies should be empowered

Canal Companies.

empowered to enter into Arrangements with each other in the way that Railway Companies are authorized, so as to avoid the Necessity for a Change of Boats and other Delays arising from a Diversity of Interest; be it enacted, That, notwithstanding any thing in this Act or in any of the said Acts for establishing or incorporating the said Companies contained, it shall be lawful for any such Canal or Navigation Company as aforesaid and they are hereby empowered from Time to Time to make and enter into any Contract or Agreement with any other Canal or Navigation Company, or the Commissioners or Undertakers thereof respectively, (and which Contract or Agreement such other Company is hereby authorized to enter into,) either for the Division or Apportionment of Tolls, Dues, and Charges, or for the Passage over or along their respective Canals or Navigations, or any Branches thereof, or any Railways or Tramways connected therewith and belonging thereto as aforesaid, of any Boats, Barges, or other Vessels, or of any Carriages or Trucks drawn or propelled by Steam, Animal, or other Power, of or belonging to any other Company, or which shall pass along any other Line of Canal, Navigation, or Railway, or for the Passage over or along any other Line of Canal, Navigation, or Railway of any such Boats, Barges, or other Vessels, Carriages, or Trucks drawn or propelled as aforesaid, which shall belong to any such Company, or which shall pass along their Line of Canal, Navigation, or Railway, upon the Payment of such Tolls and Duties, and under such Conditions and Restrictions, as may be deemed advisable and may be mutually agreed upon, and also to enter into any other Contract with any other Canal or Navigation Company that may be deemed advisable; and any such Contract may contain such Covenants, Clauses, Conditions, and Agreements as the contracting Parties may think advisable and mutually agree upon.

Canal Companies empowered to lease their Tolls.

VIII. And be it enacted, That it shall be lawful for any such Canal or Navigation Company, from Time to Time, by Lease, to take effect in possession within Six Months from the letting thereof, to let the Tolls and Duties or any Part thereof, upon the whole or any Part of any such Canal or Navigation, or of any such Railways or Tramways, to any other Canal or Navigation Company, (and which Lease such other Canal or Navigation Company is hereby authorized to accept and enter into,) for any Period not exceeding Twenty-one Years from the Commencement of any such Lease: Provided always, that no such letting shall take place unless public Notice of the Intention to let such Tolls, or the Part thereof intended to be let, shall have been given by the Company proposing to let the same, by Advertisement, at least Fourteen Days prior to the Meeting of the Directors or Managers at which it shall be intended to let such Tolls.

Lessees to be deemed Collectors.

IX. And be it enacted, That during the Continuance of any such Lease the respective Lessees named therein, and also all Persons appointed by them to collect the Tolls so let, shall be deemed Collectors of the Tolls so let, and they shall have the same Powers to collect and recover such Tolls, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the Company demising the same.

X. And

Lessee making default to be removed.

X. And be it enacted, That if any such Lease shall become void or voidable, according to any Stipulations therein contained for that Purpose, by reason of the Failure on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear or unpaid for Twenty-one Days after the same shall become payable, then, upon Application made by the Company who shall have demised the same, to a Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, Weighing Machine, or other Building, with the Appurtenances, belonging to the Lessors, and remove from the same the Lessee or Collector or other Person found therein, together with his Goods, and take possession thereof and of all Property found therein belonging to the Lessors, and deliver the same to them or any Person appointed by them for that Purpose.

Power to relet Tolls.

XI. And be it enacted, That upon such Possession being obtained it shall be lawful for the Company having made such Demise to determine the Lease (if any) previously subsisting, and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or in respect of any unperformed or broken Obligations or Conditions on the Lessee's Part, all which Remedies shall remain in full Force; and in every such Case, either during such Proceedings or on the Termination thereof, the Company may again let the Tolls to the same or any other Person, or cause them to be collected in the same Manner as if no such former Lease had been made relative thereto.

Act not to apply to Canals vested in Shareholders, until approved of at a Meeting, or in other Cases by Proprietors, and Notices inserted in Gazettes, &c.

XII. Provided always, and be it enacted, That this Act shall not apply to any Canal or Navigation the Property wherein is vested in Shareholders, nor shall the Powers of leasing herein-before contained be exercised by any such Canal or Navigation Company, until a Meeting of the Shareholders thereof shall have been duly convened in such Manner as Meetings are by their respective Acts of Incorporation or Settlement required to be called or are usually called, and it shall have been determined by a Majority of Two Thirds of the Votes of the Shareholders in such Meeting assembled, either in Person or by Proxy, where by such Acts of Incorporation or Settlement voting by Proxy is allowed, to adopt the Powers and Provisions hereby granted, or such and so many of them as it shall at such Meeting be determined shall be adopted, or to grant or accept any such Lease, nor to any Canal or Navigation the Property wherein is vested in One or more Owner or Owners, Proprietor or Proprietors, unless the Owner or Owners, Proprietor or Proprietors thereof shall determine to adopt the Powers and Provisions hereby granted, nor in either Case until public Notice of any such Determination and Intention shall have been inserted in the *London Gazette* in respect of Canals or Navigations in *England* or *Wales*, in the *Edinburgh Gazette* in respect of Canals or Navigations in *Scotland*, and in the *Dublin Gazette* in respect of Canals or Navigations in *Ireland*, and in some Newspaper circulating in the County or Counties wherein such Canal or Navigation, or some Part thereof, shall pass, One Month at the least previously to the Exercise of any such Powers,

whereupon, or immediately after the Expiration of such Notice, every such Company, or their respective Committees, Directors, or Managers, or their Agents by them duly authorized in manner aforesaid, may from Time to Time put in force and exercise the said Powers or any of them, in the Manner by this Act authorized.

Act not to exempt Canal Companies from any general Act.

XIII. And be it enacted, That nothing herein contained shall be construed to exempt any Canal or Navigation Company who shall adopt the Powers of this Act from the Operation of any general Act regulating the Manner of charging Tolls and other Charges upon Canals or Navigations in respect of Passengers, Goods, Animals, Articles, and Things of a like Description, which may be passed in the course of any future Session of Parliament.

Alteration of Act.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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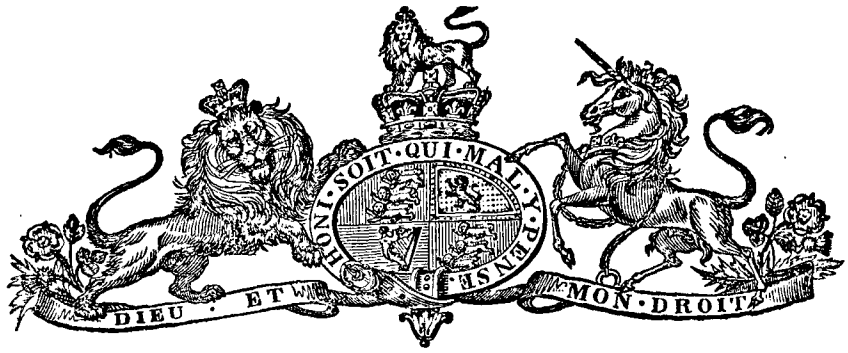

ANNO OCTAVO & NONO.

VICTORIÆ REGINÆ.

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CAP. XLIII.

An Act for encouraging the Establishment of Museums in large Towns. [21st *July* 1845.]

WHEREAS it is expedient to promote the Establishment and Extension of Museums of Art and Science in large Towns, for the Instruction and Amusement of the Inhabitants thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Council of any Municipal Borough, the Population of which, according to the last Account from Time to Time taken thereof by Authority of Parliament, exceeds Ten thousand Persons, if such Council shall think fit so to do, to purchase Lands, and to erect thereon Buildings suitable for Museums of Art and Science, and to maintain and keep the same in good Repair, and to accept any Gifts, Grants, or Devises of Lands, Tenements, or Hereditaments, for the Purpose of establishing, improving, or maintaining such Museums, or to contribute toward the Establishment and Maintenance of such Museums in any neighbouring Borough; and that the Costs and Charges of such Lands and Buildings, and the keeping of the same in good Repair, and the Payment of any Principal Money or Interest borrowed under the Authority of this Act, or of such Contribution, shall be chargeable upon and paid for out of the Borough Fund of such Municipal Borough, and for that Purpose the Council

Town Councils of certain Municipal Boroughs may purchase Lands and erect thereon Museums of Art and Science.

may levy with and as Part of the Borough Rate, or by a separate Rate to be levied in like Manner as the Borough Rate, such Sums of Money as shall be from Time to Time needed, so that the whole Amount of the Borough Rate be not increased in any One Year for the Purposes of this Act by more than One Halfpenny in the Pound, or if a separate Rate be levied so that such Rate do not in any One Year amount to more than One Halfpenny in the Pound of the annual Value of the Property in the Borough rateable to the Borough Rate.

Town Councils may borrow Money for Purchase of Lands, &c.

II. And be it enacted, That for the Purchase of such Lands, and for defraying the Costs of such Buildings as may be erected thereon, or for contributing to the Cost of such Purchase or building, it shall be lawful for the Council of any such Municipal Borough as aforesaid, from Time to Time, with the Approval of the Commissioners of Her Majesty's Treasury, to borrow at Interest the Amount of Money which may be required for the same, on the Security of the Borough Rates as aforesaid, or the separate Rate authorized by this Act.

Such Lands, &c., to vest in Town Council.

III. And be it enacted, That the Lands and Buildings so purchased or erected as aforesaid, and also all Specimens of Art or Science, and Articles of every Description, which may be purchased for or presented to any such Museum, and accepted by the Council thereof, shall be vested in and held upon trust for ever by the Mayor, Aldermen, and Burgesses of the Borough in which such Museum shall be situated, and shall be managed by the Council of the Borough, and kept in fit and proper Order, for the Benefit of the Inhabitants of the Borough, and others resorting thereto.

Rates of Admission to Public.

IV. And be it enacted, That the Council of any such Municipal Borough may from Time to Time fix such Rates of Payment for Admission to any such Museum as the Council may think expedient, not exceeding the Sum of One Penny for each Person admitted, and the Amount so raised shall be employed in defraying the Salaries of the Curators and other Persons employed in charge of such Museum, and in lighting, warming, cleaning, and otherwise supporting and improving the same; and that the Council may also make such Regulations for the Preservation of the Contents of such Museum, and for the Maintenance of Order within it, as may to them seem expedient.

Regulations for preserving Contents, &c.

Alteration of Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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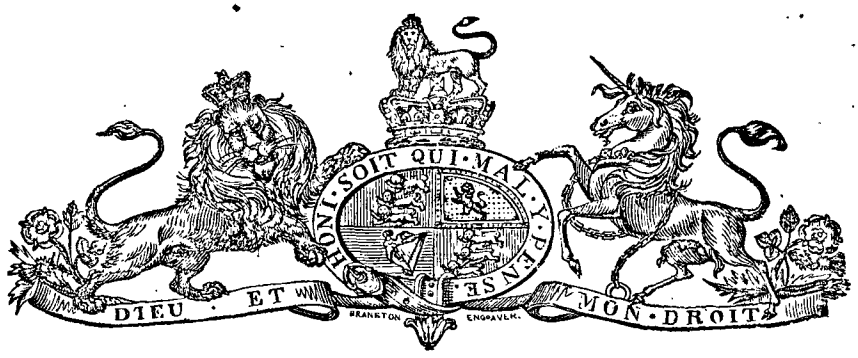

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XLIV.

An Act for the better Protection of Works of Art, and Scientific and Literary Collections.

[21st *July* 1845.]

WHEREAS it is expedient to provide for the better Protection of Works of Art, and of Scientific and Literary Collections, and also of public Statues and Monuments, from wanton Injury; be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act every Person who shall unlawfully and maliciously destroy or damage any thing kept for the Purposes of Art, Science, or Literature, or as an Object of Curiosity, in any Museum, Gallery, Cabinet, Library, or other Repository, which Museum, Gallery, Cabinet, Library, or other Repository is either at all Times or from Time to Time open for the Admission of the Public, or of any considerable Number of Persons, to view the same, either by Permission of the Proprietor thereof, or by the Payment of Money before entering the same, or any Picture, Statue, Monument, or Painted Glass in any Church or Chapel or other Place of religious Worship, or any Statue or Monument exposed to public View, shall be guilty of a Misdemeanor, and, being duly convicted thereof, shall be liable to be imprisoned for any Period not exceeding Six Months, and, if a

Punishment for malicious Injury to Works of Art, &c.

Male, may during the Period of such Imprisonment be put to hard Labour, or be once, twice, or thrice privately whipped, in such Manner as the Court before which such Person shall be tried shall direct.

Malice to be implied.

II. And be it enacted, That every Punishment imposed on any Person for an Offence against this Act shall apply and be enforced, whether the Offence shall be committed from Malice conceived against the Owner of the Thing damaged or destroyed or not.

Apprehension of Offenders.

III. And be it enacted, That any Person found committing any Offence against this Act may be immediately apprehended, without a Warrant, by any other Person, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law.

Act not to affect the Right to recover Damages.

IV. Provided always, and be it enacted, That nothing herein contained shall be deemed to affect the Right of any Person to recover by Action at Law Damages for the Injury so committed.

Accessories punishable as Principals.

V. And be it enacted, That every Person who shall abet, counsel, or procure the Commission of any Offence against this Act shall be punished as a principal Offender.

Act not to extend to Scotland.

VI. And be it enacted, That this Act shall not extend to *Scotland*.

Alteration of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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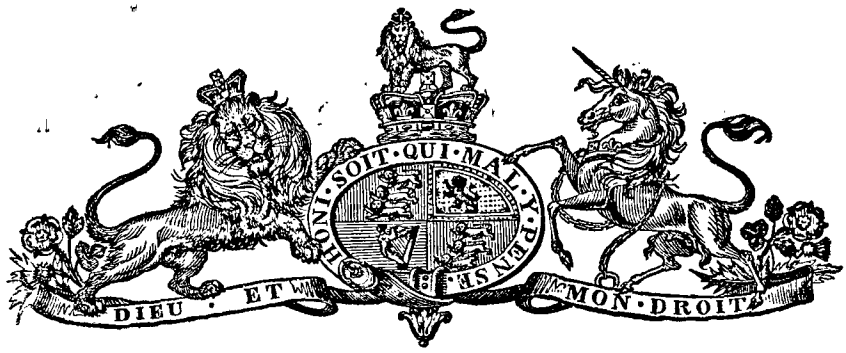

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XLV.

An Act to make perpetual and amend an Act of the Fifth and Sixth Years of Her present Majesty, for preventing Ships clearing out from any Port in *British North America* or in the Settlement of *Honduras* from loading any Part of their Cargo of Timber upon Deck. [21st *July* 1845.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for preventing, until the First Day of* May *One thousand eight hundred and forty-five, Ships clearing out from any Port in* British North America *or in the Settlement of* Honduras *from loading any Part of their Cargo of Timber upon Deck:* And whereas it is expedient that the said Act should be further continued and made perpetual, but it is necessary that certain Amendments should be made therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, except so much thereof as is hereinafter repealed, shall from and after the passing of this Act be and continue in force and be perpetual.

5 & 6 Vict. c. 17.

Recited Act, except so much as is hereby repealed, to be made perpetual.

II. And

Repealing so much of the Act as prohibits the lading of Cargo upon Deck or the sailing without Certificate, and as imposes a Penalty therefor.

II. And be it enacted, That so much of the said Act as enacts that it shall not be lawful for any Part of the Cargo of any Ship or Vessel laden with Timber or Wood Goods, and clearing from any *British* Port in *North America* or the Settlement of *Honduras* between the First Day of *September* and the First Day of *May* in each Year, to be placed during any Part of the Voyage on the Deck of such Ship or Vessel, and that no Captain or Master of any Ship or Vessel so clearing shall be permitted to sail without first procuring a Certificate from the Clearing Officer that all the Cargo is below Deck, and so much of the said Act as imposes a Penalty upon any Captain or other Person offending against the Provisions thereof, shall be repealed.

Clearing Officers to ascertain and certify that the Cargo of certain Ships is below Deck.

Captains of such Ships not to sail without Certificate.

III. And be it enacted, That before any Clearing Officer permits any Vessel wholly or in part laden with Timber or Wood Goods to clear out from any *British* Port in *North America* or in the Settlement of *Honduras*, for any Port in the United Kingdom, at any Time after the First Day of *September* or before the First Day of *May* in any Year, he shall ascertain that the whole of the Cargo of such Vessel is below Deck, and shall give the Captain or other Person having Command of such Vessel a Certificate to that Effect; and no Captain or other Person having Command of any Vessel so laden as aforesaid shall sail from any of the Ports aforesaid for any Port of the United Kingdom at any such Time as aforesaid until he has obtained such a Certificate as aforesaid from the Clearing Officer.

No Part of the Cargo of such Ships to be placed on Deck.

Proviso for Removal of Cargo in Cases of Leakage or Damage.

Stores not to be taken to be Cargo.

IV. And be it enacted, That no Captain, Owner, Supercargo, or other Person having Command of any Vessel in respect of which such Certificate as aforesaid has been obtained shall place, or permit or cause to be placed, or to remain or be, upon or above the Deck of such Vessel, any Part of the Cargo thereof, until such Vessel has arrived at the Port of her Destination: Provided always, that if the Captain or other Person having Command of any such Vessel consider that it is necessary, in consequence of the springing a Leak or of other Damage received or apprehended during the Voyage, to remove any Portion of the Cargo upon Deck, he may remove or cause to be removed upon the Deck of such Vessel so much of the Cargo and may permit the same to remain there for such Time as he considers expedient: Provided also, that the Store, Spars, or other Articles necessary for the Vessel's Use, shall not be taken to be Cargo for the Purposes of this Act.

Penalty for Offences against this Act.

V. And be it enacted, That if any Captain or other Person having the Command of any Vessel for which such Certificate as aforesaid is hereby required sails or attempts to sail without having obtained such Certificate, or places, or permits or causes to be placed, or to remain or be, upon or above the Deck of such Vessel, any Part of the Cargo thereof, except in the Cases in which the same is not forbidden by this Act, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Provisions of recited Act respecting

VI. And be it enacted, That all the Enactments of the said Act respecting Indictments, Informations, and Proceedings in respect of Offences

Offences alleged to have been committed against the Provisions thereof, and respecting Proceedings for the Recovery of the Penalties inflicted thereby, shall be held and taken to apply to all Indictments, Informations, and Proceedings against any Person or Persons in respect of Offences committed or alleged to have been committed against the Provisions of this Act, and to all Proceedings for the Recovery of any Penalty incurred or alleged to have been incurred by any Person or Persons under this Act. Indictments and Proceedings applied to Indictments and Proceedings under this Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Alteration of Act.

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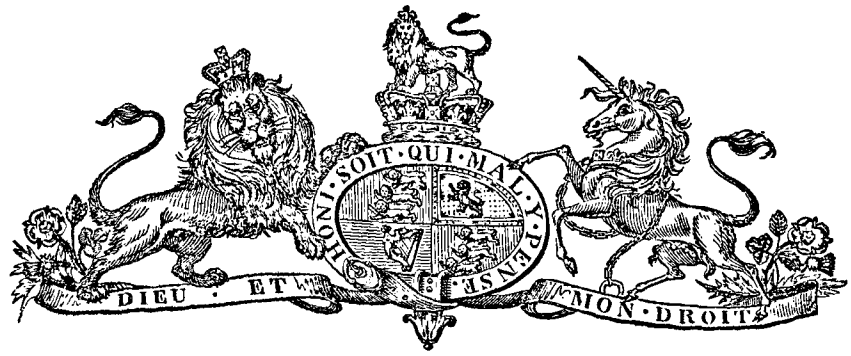

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XLVI.

An Act for the Appointment of additional Constables for keeping the Peace near Public Works in *Ireland*. [21st *July* 1845.]

WHEREAS it is expedient to provide for the Appointment and Payment of additional Head and other Constables for keeping the Peace, and for the Protection of the Inhabitants and the Security of Property, in the Neighbourhood of Railway Works and other Public Works in *Ireland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in any Case in which the Works of any Railway, Canal, or other Public Work of a similar Nature shall be in progress of Construction in *Ireland*, upon the Application of the Company or other Parties carrying on any such Public Work, or upon the Application of Two or more Justices of the Peace of the County acting in the Petty Sessions of the District in or through which any such Public Work may be in the Course of Construction, to whom it shall be made appear, on the Oath of Two or more credible Witnesses, that the Appointment of additional Constables for the keeping of the Peace, and for the Protection of the Inhabitants, and the Security of Property, in the Neighbourhood of such Works, is necessary in consequence of the Behaviour or reasonable Apprehension of the Behaviour of the

Additional Head and other Constables may be appointed by the Lord Lieutenant to keep the Peace near the Works of Railways, &c. in Ireland.

Persons

Persons employed in the said Works, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if he or they shall so think fit, from Time to Time to order and direct that, in addition to the Number of Head and other Constables whom the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* is or are authorized to appoint by virtue of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to consolidate the Laws relating to the Constabulary Force in* Ireland, and the other Acts amending the same, such Number of Head and other Constables as he or they shall think fit, not exceeding in any Case the Number specified in any such Application as aforesaid, shall be appointed and employed during the Construction of such Public Works, in aid of and in conjunction with the said Constabulary Force in such County, County of a City, County of a Town, or Place, near to the said Public Works so in progress of Construction, as shall be mentioned in the said Order, and shall remain there for such Length of Time, or remove to or remain at such other Place or Places near to such Public Works for such Time or Times, as shall be mentioned or directed by such Order, or any other Order or Orders which may from Time to Time be made by such Lord Lieutenant or other Chief Governor or Governors or by the Inspector General of the said Constabulary Force, under the Control and Directions of the said Lord Lieutenant or other Chief Governor or Governors; and such Constables may in like Manner, by any such Order, be reduced in Number, or wholly removed from the Neighbourhood of such Works; and the Head and other Constables so appointed shall, during the Period of such Employment, have the same Amount of Pay and Allowances, and the same Rights, Powers and Authorities, Privileges and Advantages, and be subject to the same Provisions and Enactments, Rules, Regulations, and Orders, and be in all respects in the same Situation in the County, County of a City, or County of a Town in which they shall be stationed, as far as the Circumstances of the Case will admit, as if they had been appointed to and formed Part of the Constabulary Force established in and for such County, County of a City, or County of a Town.

6 & 7 W. 4. c. 13.

Expence of additional Head and other Constables to be paid by the Company or Parties carrying on such Works.

II. And be it enacted, That the Inspector General of the said Constabulary Force, with the Assistance of the Receiver of the said Force, shall from Time to Time, or as often as he shall think convenient, prepare and certify under his Hand a detailed Account of the Expence incurred for the Pay, Salary, Clothing and Equipment, Lodging, and other Allowances of such Men so appointed and employed as aforesaid, which Expence, when approved and certified by the Chief or Under Secretary of such Lord Lieutenant or other Chief Governor or Governors, the said Company or Parties, or their Agent, shall, upon demand, pay to the said Receiver, to be placed to the Credit of the County, County of a City, or County of a Town in which such Constables as aforesaid shall have been so employed.

If the Company or Parties neglect to pay the

III. And be it enacted, That in all Cases where the Company or other Parties carrying on such Public Work shall refuse or neglect, during Fourteen Days next after Demand thereof, to pay any such

Expence, or any Part thereof, as shall have been so certified and approved as aforesaid, the same shall and may be sued for in any of the Superior Courts, at the Suit of Her Majesty's Attorney General for *Ireland*, as a Debt due to Her Majesty, or, upon Production of such Account, so certified and approved, before any Two Justices of the County, County of a City, or County of a Town in which such Constables shall have been so employed as aforesaid; and upon Proof on Oath of such Demand made as aforesaid of such Company or Parties, or any Officer superintending such Public Works, and upon the Application of the said Receiver of the Constabulary Force, or any Person by him authorized in Writing, it shall be lawful for such Justices, by their Warrant under their Hands and Seals (which they are hereby authorized and required to grant), to cause the Amount of such Account to be levied, together with the Expences of levying the same, by Distress and Sale of the Goods and Chattels of the Company or other Parties carrying on such Public Works as aforesaid; and the Surplus, if any, arising from such Distress and Sale, after deducting the Amount of such Account, together with the reasonable Expences attendant on such Distress and Sale, shall be rendered to the said Company or Parties.

Expence, it may be recovered at the Suit of Her Majesty's Attorney General for Ireland, or by Distress and Sale of the Goods of the Company.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Alteration of Act.

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VICTORIÆ REGINÆ.

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CAP. XLVII.

An Act for the further Prevention of the Offence of Dog Stealing. [21st *July* 1845.]

WHEREAS by an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny, and other Offences connected therewith*, certain Provisions were made for the Prevention of Dog Stealing: And whereas it is expedient, for the further Prevention of the said Offence, that the Provisions of the said recited Act, so far as relates to Dog Stealing, and to dealing with the Offenders in respect to the said Offence, shall be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Provisions, so far as aforesaid, shall be repealed. 7 & 8 G. 4. c. 29. Certain Provisions of recited Act repealed.

II. And be it enacted, That if any Person shall steal any Dog, every such Offender shall be deemed guilty of a Misdemeanor, and being convicted thereof before any Two or more Justices of the Peace shall for the First Offence, at the Discretion of the said Justices, either be committed to the Common Gaol or House of Correction, there to be imprisoned only or be imprisoned and kept to hard Labour for any Term not exceeding Six Calendar Months, or shall forfeit Punishment for stealing Dogs: First Offence.

forfeit and pay, over and above the Value of the said Dog, such Sum of Money, not exceeding Twenty Pounds, as to the said Justices shall seem meet; and if any Person so convicted shall afterwards be guilty of the said Offence, every such Offender shall be guilty of an indictable Misdemeanor, and being convicted thereof shall be liable to suffer such Punishment, by Fine or Imprisonment, with or without hard Labour, or by both, as the Court in its Discretion shall award, provided such Imprisonment do not exceed Eighteen Months.

Second Offence.

Penalty for having Possession of stolen Dogs, or of their Skins;

III. And be it enacted, That if any Dog, or the Skin thereof, shall be found in the Possession or on the Premises of any Person by virtue of any Search Warrant, to be granted as is hereafter in that Behalf provided, the Justice by whom such Search Warrant was granted may restore the same to the Owner thereof, and the Person in whose Possession or on whose Premises the same shall be so found such Person (knowing that the Dog has been stolen, or that the Skin is the Skin of a stolen Dog,) shall, on Conviction before any Two or more Justices of the Peace, be liable for the First Offence to pay such Sum of Money, not exceeding Twenty Pounds, as to the Justices shall seem meet; and if any Person so convicted shall be afterwards guilty of the said Offence, every such Offender shall be deemed guilty of a Misdemeanor, and punishable accordingly.

First Offence.

Second Offence.

Penalty for compounding for Offences against this Act.

IV. And be it enacted, That if any Person shall publicly advertise or offer a Reward for the Return or Recovery of any Dog which shall have been stolen or lost, and shall in such Advertisement use any Words purporting that no Questions will be asked, or shall make use of any Words in any public Advertisement purporting that a Reward will be given or paid for any Dog which shall have been stolen or lost without seizing or making any Inquiry after the Person producing such Dog, every such Person shall forfeit the Sum of Twenty-five Pounds for every such Offence to any Person who will sue for the same, by Action of Debt, to be recovered with full Costs of Suit.

Apprehension of Offenders.

V. And be it enacted, That any Person found committing any Offence punishable either upon summary Conviction or upon Indictment by virtue of this Act may be immediately apprehended without a Warrant by any Police Officer, or by the Owner of the Dog, with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace to be dealt with according to Law; and if any credible Witness shall prove upon Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his Possession or on his Premises any stolen Dog, such Justice may grant a Warrant to search for such Dog; and any Person to whom any Dog shall be offered to be sold or delivered, if he shall have reasonable Cause to suspect that such Dog has been stolen, is hereby authorized, and, if in his Power, is required to apprehend and forthwith to convey before a Justice of the Peace the Party offering the same, together with such Dog, to be dealt with according to Law.

VI. And

Penalty for receiving Money to restore stolen Dogs.

VI. And be it enacted, That any Person who shall corruptly take any Money or Reward directly or indirectly under pretence or upon account of aiding any Person to recover any Dog which shall have been stolen, or which shall be in the Possession of any Person not being the Owner thereof, shall be guilty of a Misdemeanor, and punishable accordingly.

Offenders may be remanded, or admitted to Bail.

VII. And be it enacted, That any Justice may, if he shall think fit, remand for further Examination, or may suffer to go at large, with or without Sureties, upon his personal Recognizance, any Person who shall be charged before him with any Offence or Misdemeanor punishable by this Act, whether the same be punishable by summary Conviction or as an indictable Misdemeanor.

If Penalties not paid Justices to commit Offenders.

VIII. And be it enacted, That in every Case of summary Conviction under this Act where the Sum which shall be forfeited for the Value of any Dog as is herein-before provided, or which shall be imposed as a Penalty by the Justices, shall not be paid either immediately after the Conviction or within such Period as the Justices shall at the Time of the Conviction appoint, it shall be lawful for the convicting Justices to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only or imprisoned and kept to hard Labour for any Term not exceeding Two Calendar Months where the Amount of the Sum forfeited, or of the Penalty imposed, or of both (as the Case may be), together with the Costs, shall not exceed Five Pounds, and for any Term not exceeding Four Calendar Months where the Amount, with Costs, shall not exceed Ten Pounds, and for any Term not exceeding Six Calendar Months in any other Case, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

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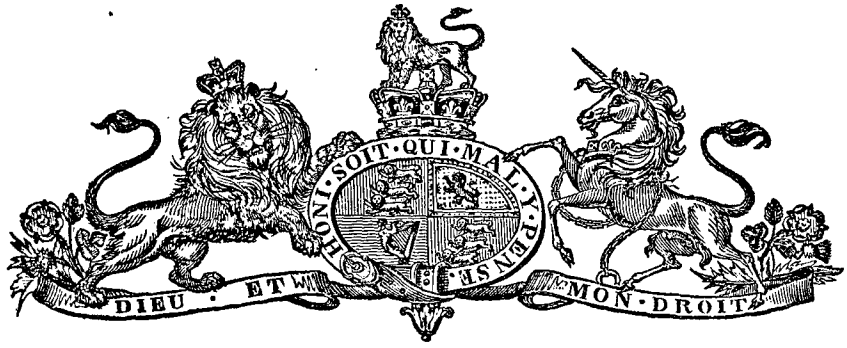

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the Conviction shall take place, liable to undergo the Pains and Penalties now by Law imposed upon Persons guilty of wilful and corrupt Perjury.

Not to affect Right of Commissioners to commit for unsatisfactory Answers, &c.

III. Provided always, and be it enacted, That nothing herein shall in anywise affect the Right of the Commissioners of Bankrupt to judge how far the Answers to be made are satisfactory, or to commit to Prison in case they shall hold such Answers to be unsatisfactory, nor the Right of any Commissioner or Creditor to withhold his Signature from the Certificate of Conformity.

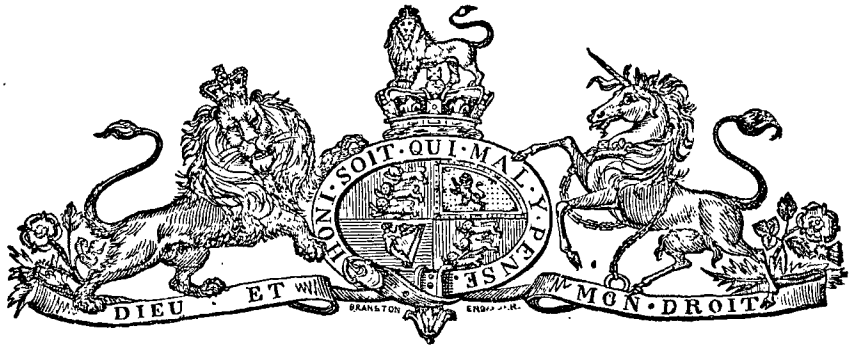
SCHEDULE.

Form of Declaration to be made by the Bankrupt or the Bankrupt's Wife.

I *A. B.*, the Person declared a Bankrupt under a Fiat in Bankruptcy, [*or* I *C. D.*, the Wife of, *et cetera*,] do solemnly promise and declare, That I will make true Answer to all such Questions as may be proposed to me respecting all the Property of the said *A. B.*, and all Dealings and Transactions relating thereto, and will make a full and true Disclosure of all that has been done with the said Property, to the best of my Knowledge, Information, and Belief.

(Signed) *A. B.*
[*or C. D.*, the Wife of the said *A. B.*]

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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Hon. Sir Henry Pottinger, Bart.

shall be deemed to have commenced and taken effect upon the Nineteenth Day of *October* in the Year One thousand eight hundred and forty-four, and the first Payment of the Arrears thereof, together with the Quarter ending on the Fifth Day of *July* One thousand eight hundred and forty-five, shall be made on the Fifth Day of *July* in the Year One thousand eight hundred and forty-five, and shall thereafter be paid quarterly; (that is to say,) on the Tenth Day of *October*, the Fifth Day of *January*, the Fifth Day of *April*, and the Fifth Day of *July* in every Year; and the said Annuity shall issue and be payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* (after paying or reserving sufficient to pay all such Sums of Money as have been directed to be paid out of the same by any former Act of Parliament, but with Preference to all other Payments which shall hereafter be charged upon the said Fund); and the Acquittance or Receipt of the said Sir *Henry Pottinger*, or of such other Person or Persons as shall be duly authorized and appointed by him to receive such Annuity or any Part thereof, shall be a good and sufficient Discharge for the Payment thereof; and the said Annuity shall be free and clear from all Taxes, Rates, and Assessments, except Income or Property Tax, and all other Charges whatsoever.

Treasury to direct Payment of the Annuity.

II. And be it enacted, That the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, by Warrant under their Hands, shall direct the Payment of the said Annuity according to the Provision herein-before contained.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. L.

An Act to facilitate the Recovery of Loans made by the *West India* Relief Commissioners.

[21st *July* 1845.]

WHEREAS by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount for the Purposes and in the Manner therein mentioned; and for giving Relief to* Trinidad, British Guiana, *and* Saint Lucie, it was (amongst other things) enacted, that it should be lawful for the Commissioners thereby appointed, and their Successors, or any Three of them, to advance or lend Exchequer Bills to the Amount therein specified to the Owners of Estates which had suffered Injury from the Causes therein specified in the Islands of *Jamaica*, *Barbadoes*, *Saint Vincent*, and *Saint Lucie*, and that the said Commissioners should take such Security or Securities as therein mentioned for the Repayment of any such Advances or Loans at or before the Expiration of Ten Years from the Time of such Advances respectively, with Interest in the meantime after the Rate of Four Pounds *per Centum per Annum*, to be paid in manner therein mentioned; 2 & 3 W. 4. c. 125.

mentioned; and it was further enacted, that if Default should be made in Repayment of all or any Part of such Loan or Advance, or of the Interest thereof or any Part thereof, any Person duly authorized by the said Commissioners might enter upon and take possession of the Property upon which such Loan should have been charged, and receive the Rents, Issues, and Profits thereof until the Repayment of such Loan and the Interest thereof, and all Costs incidental to such taking possession as therein mentioned; and it was also enacted, that if any Default should be made in Repayment of all or any Part of such Loan or Advance for which any Mortgage should be taken by the said Commissioners as a Security, the said Commissioners, or their Attorney or Attornies to be appointed for that Purpose, upon Judgment to be entered up, should take possession of all or any Part of the said mortgaged Premises, and by Sale or Mortgage of the same or a competent Part thereof raise such a Sum as should be sufficient to repay all Monies due on such Loan or Advance, and the Interest thereof, and all Costs attending such Proceedings: And whereas by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act for granting Relief to the Island of* Dominica; *and to amend an Act of the Second and Third Years of His present Majesty, for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount for the Purposes therein mentioned*, the Provisions of the last-mentioned Act were extended to the Island of *Dominica*, so far as the same were applicable: And whereas by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to amend Two Acts of His late Majesty King* William *the Fourth, for the Relief of certain of Her Majesty's Colonies and Plantations in the* West Indies, it was (amongst other things) enacted, that it should be lawful for the said Commissioners for the Time being acting in the Execution of the said recited Acts, with such Consent as therein mentioned, to grant any Extension of the Time limited for the Repayment of any such Loan or Advance as aforesaid for any Period not exceeding Ten Years from the Day originally fixed for Payment thereof, with Interest after the Rate aforesaid, so that every such Extension of Time be made on certain Conditions therein mentioned as to the Mode of Repayment of such Loan, and also subject to an absolute Power of Sale of the Hereditaments charged with any such Loan to be vested in Her Majesty, Her Heirs and Successors, in manner therein mentioned: And whereas by an Act passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act for giving additional Powers to the Commissioners for the Relief of certain of Her Majesty's Colonies and Plantations in the* West Indies, after repealing and altering certain of the Provisions contained in the last-recited Act respecting the granting of Extension of Time, it was by the Act now in recital enacted, that it should

5 & 6 W. 4. c. 51.

3 & 4 Vict. c. 40.

7 & 8 Vict. c. 17.

should be lawful for the Commissioners acting in the Execution of the said recited Acts, or any Three of them, to make any Transfer of any Sum of Money secured to Her Majesty by virtue of any Security made in pursuance of the said recited Acts respectively, and any Interest thereon, and to convey the Securities for the same unto or in trust for any Person or Persons who should pay all Principal Monies secured by such Mortgage Security as aforesaid, and the Interest thereon, in manner therein mentioned: And whereas it is expedient to make some further Provisions for facilitating the Recovery of the Principal and Interest of any Loans made or to be made in pursuance of the said recited Acts or any of them, and for making Transfers of the Securities for the same or any Part thereof, and also to enable the said Commissioners for the Time being to compound any Debts due to them or to Her Majesty in respect of any such Loans as aforesaid: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners for the Time being acting in the Execution of the said recited Acts, or any of the said Acts, or any Person or Persons for the Time being acting under their Direction, or any Commissioners in aid appointed as by the said first-recited Act is mentioned, from Time to Time to make sale of all or any Part of any Hereditaments which have been or shall be taken possession of by them or him for Nonpayment of any Principal or Interest, in pursuance of the Provisions in that Behalf in the said Act of the Second and Third Years of the Reign of His said late Majesty King *William* the Fourth contained, and (as regards any Principal Monies due) whether Judgment shall have been entered up or not, as by the said last-mentioned Act is provided; provided always, that no such Sale shall be made unless for at least Three Calendar Months previously to such Sale there shall have been inserted in the *London Gazette*, and in such public Newspaper or Newspapers in the Colony where the Property shall be situated as the said Commissioners shall direct, a Notice of the Intention of the Commissioners to exercise their Power of Sale; and any such Sale may be made at any Time after such Three Months Notice shall have been given; and any such Sale may be made subject to such special Conditions as to the Title, or the Deeds, Copies, or other Evidences to be produced, the Evidence relating to the Identity of the Property sold, and the Mode and Times of Payment of the Money, as the said Commissioners, or the Persons acting under their Direction, or the said Commissioners in aid, shall think fit; and any Contract for Sale may be altered or rescinded by the said Commissioners, or such Persons respectively as aforesaid, in such Manner in all respects as they shall think fit; and any Part of the Purchase Money may be left on the Security of all or any Part of the Hereditaments sold, or may be secured on any other Security; and such Securities shall either

If default be made in Payment of Loans or Interest, the Mortgaged Premises may be sold on certain Conditions.

either be made to Her said Majesty as by the said first-recited Act is provided, and with such Powers and Priorities as by the said first-recited Act is provided, or otherwise as the said Commissioners shall think fit; and no Purchaser or other Person shall be bound to inquire whether such Possession was taken, or any Monies were due, on the Security of the said Hereditaments sold; and any such Monies (when any such Sale shall be made out of *England*) may be paid to such Person or Persons as the said Commissioners shall, either before or after such Sale, authorize to receive the same, whose Receipts in Writing shall be sufficient Discharges to the Persons paying the same; but any Monies due on any Security to be made as last aforesaid shall be paid into the Bank of *England* in manner directed by the said first-recited Act; and any Securities which may be taken for any Part of such Purchase Money may be released or otherwise transferred by the said Commissioners in all respects as if the same were an original Security taken under the said recited Acts.

Commissioners may transfer Portions of Securities.

II. And be it enacted, That it shall be lawful for the Commissioners for the Time being acting in the Execution of the said recited Acts from Time to Time to make any Transfer of any Part of any Sum or Sums of Money secured to or owing to Her Majesty, under or by virtue of any Security made in pursuance of the said recited Acts or any of them, and either before or after such Sum or Sums shall be actually due, and any Interest thereon, and to convey and assure or declare Trusts of such proportionate Part, either undivided or in Severalty, as they the said Commissioners shall think fit, of the Securities for the same Sum or Sums, unto or in trust for any Person or Persons who shall pay and discharge any Part of the Principal Monies due or secured by such Mortgage Security as aforesaid, and the Interest thereon; and any such Sum or Sums of Money to be paid in consideration of such Transfer as aforesaid shall be paid into the Bank of *England*, and in all respects as by the said first-recited Act is provided with respect to the Repayment of the Monies to be secured by virtue of the Provisions of that Act; and the Person or Persons to whom any such Transfer or Disposition as aforesaid shall be made, his or her Heirs, Executors, Administrators, and Assigns, shall, under and by virtue thereof, to the Extent to which the same shall be thereby conceded or granted by the said Commissioners, be entitled to all such and the same Priorities, Privileges, Powers, and Securities in respect of such Monies and Hereditaments so transferred and assured as by the said recited Acts or any of them are given to Her Majesty, or the said Commissioners or any of them, or which Her said Majesty, Her Heirs and Successors, or the said Commissioners acting in the Execution of the said recited Acts, would have had in case no such Transfer had been made, and that either subject and without Prejudice to, or concurrently with, or with Priority over the Priorities, Privileges, Powers, and Rights of Her said Majesty,

Her Heirs and Successors, and of the said Commissioners, or any other Persons to whom any other Part of the Monies or Securities may be transferred and assured, in respect of the Residue of any such Principal Monies, and the Interest thereof, and the Securities for the same, which shall remain due to and vested in Her said Majesty, Her Heirs and Successors, or the said Commissioners, or be so transferred and assured as aforesaid.

Commissioners may compound Debts with Consent of Treasury.

III. And be it enacted, That it shall be lawful for the Commissioners for the Time being acting in the Execution of the said recited Acts, with the Consent in Writing of the Lord High Treasurer for the Time being, or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, by Warrant under his or their Hand or Hands, to compound any Debt or Debts on account of any Loan or Advance made or hereafter to be made under or in pursuance of the said recited Acts or any of them, and to stay any Proceedings for the Recovery of the same, upon Payment of such Sum or Sums of Money, and upon such Terms and Conditions, as they may think fit, such Sum or Sums of Money to be paid into the Bank of *England* in all respects as by the said first-recited Act is provided with respect to the Repayment of the Monies to be secured by virtue of the Provisions of that Act; and that upon any such Payment being duly made as aforesaid it shall be lawful for the said Commissioners acting in execution of the said recited Acts to make and execute such Releases and Reconveyances of the Debt which shall have been so compounded as aforesaid, and the Interest thereof, and the Securities for the same, as if the full Amount of the Debt so compounded, and all Interest for the same, had been duly paid and discharged.

Three Commissioners may act.

IV. And be it enacted, That any Act, Matter, or Thing hereby authorized to be done may be done by any Three of the said Commissioners for the Time being, and that the Execution of any Deed or Instrument, either in pursuance of this Act or of any of the said recited Acts, and whether already executed or hereafter to be executed, referring to or reciting any Warrant, Authority, or Assent of the Lord High Treasurer, or of Three of the Commissioners of Her Majesty's Treasury, either made in pursuance of this Act or of any of the said recited Acts, shall be Evidence of such Authority or Assent; and the Execution of any Deed or other Instrument, already executed or hereafter to be executed, purporting to be executed by the said Commissioners or any Three of them, shall be taken as Evidence that such Commissioners so executing were duly appointed.

Provisions of recited Acts to extend to this Act.

V. And be it enacted, That all and every the several Clauses, Powers, Provisions, Enactments, Penalties, and Restrictions in the said Acts contained, so far as the same can be made applicable and

 are

are not varied by this Act, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and as if all such Clauses, Powers, Provisions, and Enactments were herein repeated and set forth.

Alteration of Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LI.

An Act to enable Archbishops and Bishops in *Ireland* to charge their Sees with the Costs incurred by them in defence of their Rights of Patronage, in certain Cases; and also to enable Tenants for Life and other Persons having limited Interests in Estates in *Ireland* to charge said Estates with the Costs incurred by them in asserting their Rights to Ecclesiastical Patronage, in certain Cases. [31st *July* 1845.]

WHEREAS an Act was passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto*, it was amongst other things enacted, that after the Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person should bring any Quare impedit or other Action or any Suit to enforce a Right to present to or bestow any Ecclesiastical Benefice, as the Patron thereof, after the Expiration of One hundred Years from the Time at which a Clerk should have obtained Possession of such Benefice adversely to the Right of 3 & 4 W. 4. c. 27.

Presentation or Gift of such Person, or of some Person through whom he claims, or of some Person entitled to some preceding Estate or Interest, or undivided Share, or alternate Right of Presentation or Gift, held or derived under the same Title, unless a Clerk should subsequently have obtained Possession of such Benefice on the Presentation or Gift of the Person so claiming, or of some Person through whom he claimed, or of some other Person entitled in respect of an Estate, Share, or Right held or derived under the same Title: And whereas by an Act passed in the Session of Parliament held in the Sixth and Seventh Years of Her present Majesty, intituled *An Act for extending to* Ireland *the Provisions not already in force there of an Act of the Third and Fourth Years of the Reign of the late King* William *the Fourth, intituled 'An Act for the Limitation of 'Actions and Suits relating to Real Property, and for simplifying 'the Remedies for trying the Rights thereto;' and to explain and amend the said Act,* it was amongst other things thereby enacted, that after the First Day of *January* One thousand eight hundred and forty-four the several Clauses and Enactments in the said first-mentioned Act and therein-before recited, relating to any Right to present to or bestow any Church, Vicarage, or any other Ecclesiastical Benefice, (the Clause thereof providing that the said Act, so far as it related to any such Right, should not extend to *Ireland*, always excepted,) should extend and apply to *Ireland*, and that as fully and effectually as if the said Clauses and Enactments were thereby repeated, substituting for the said Date of the Thirty-first Day of *December* One thousand eight hundred and thirty-three the Date of the First Day of *January* One thousand eight hundred and forty-four; and it was by the said last-mentioned Act further declared and enacted, that the said last-mentioned Act should not be prejudicial or available to or for any Plaintiff or Defendant in any Action or Suit already commenced, or on or before the said First Day of *January* One thousand eight hundred and forty-five to be commenced, relating to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice in *Ireland*: And whereas in consequence of the Provisions of the said Acts numerous Actions of Quare impedit and Proceedings have been brought and instituted, and are now depending, for the Purpose of determining the Right of Presentation to divers Ecclesiastical Benefices and Preferments in *Ireland*, by Persons whose Claims to exercise such Right would but for the instituting of such Proceedings have been barred by the Provisions of the aforesaid Acts: And whereas numerous Actions and Proceedings have been brought and instituted and are now pending against Archbishops and Bishops in *Ireland*, for the Recovery of Advowsons and Rights of Presentation to Ecclesiastical Benefices and Preferments in their Dioceses the Patronage whereof has been for long and uninterrupted Periods exercised by them and their Predecessors in right of their Sees, and the said Archbishops and Bishops have been and will be put to heavy Expences in preparing to defend and in defending in the said Actions and Proceedings their Rights of Patronage for themselves and their Successors; and it is just and expedient that they should be enabled to charge such Expences on the Estates of their respective Sees, subject to the Regulations herein-after provided: Be it enacted by the

6 & 7 Vict. c. 54.

Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Archbishop and Bishop in *Ireland*, Defendant in any Action of Quare impedit or other Action or Suit already brought or instituted against him, and which was pending on the Sixteenth Day of *June* One thousand eight hundred and forty-five, or on which any Writ of Error or Appeal was then pending, for the Recovery of the Right of Presentation to or Patronage of any Ecclesiastical Benefice or Preferment the Patronage whereof has heretofore been enjoyed by him or his Predecessors in right of his See or of any See united thereto, shall be entitled to charge the Amount of all Costs reasonably incurred by him in or about the Preparation and Conduct of and consequent upon his Defence to such Action or Suit, including, if Occasion shall be, his Costs incidental to any Appeal or Writ of Error from any Judgment therein, (and which Costs respectively he shall not be enabled to recover from the Plaintiff or Plaintiffs in such Action, Suit, or Appeal, or Writ of Error, with the Costs also of creating any Securities hereby authorized to be made,) upon the Estates or other Revenues of his See, in manner herein-after directed; provided that a Judge before whom such Action or Suit shall have been first tried, or by whom the same shall have been first determined, shall certify by Writing under his Hand, to be deposited and preserved in the Registry of the Diocese, that such Archbishop or Bishop had probable Cause for defending such Action or Suit, and that he ought to be allowed to charge his Costs under the Provisions of this Act; and that the presiding Judge of any Court of Error, or the Speaker of the House of Lords in Cases of Appeal or Writ of Error there prosecuted, shall in like manner certify that there was good Ground of prosecuting or defending such Appeal or Writ of Error; and if any such Action or Suit, Appeal or Writ of Error, shall be dismissed, abated, or discontinued before any Trial or Determination thereof, or the Plaintiff shall be nonsuited therein, then a Certificate, signed by a Judge of the Court in which such Action or Suit has been brought or instituted, shall be effectual for the Purposes aforesaid; and that no Judge shall be precluded from considering an Archbishop or Bishop, grounding his Defence to any such Action or Suit upon previous Presentations or Collations only, to have had probable Cause for such Defence; provided also, that the Amount of Costs to be charged under the Authority of this Act shall be determined and certified by some Officer to whom the Taxation of Costs between the Plaintiff and Defendant in such Action or Suit shall or would be referrable, and that his Certificate shall be also deposited in the Registry of the Diocese.

Every Archbishop and Bishop, Defendant in Actions for Right of Patronage, may charge the Costs of such Actions on the Revenues of the See.

Judge to certify for Costs.

II. And be it enacted, That after such Certificates as aforesaid shall have been obtained by any Archbishop or Bishop, and deposited in the Registry of his Diocese, (which Certificates shall, for the Purposes of the Securities hereby authorized to be made, be conclusive Evidence of his Authority to raise the Amount certified by such Taxing Officer to be due to him,) it shall be lawful for him to raise, by way of Loans, for his Benefit and Reimbursement, the same Amount, or any Part or Parts thereof, and all Costs incident to the Execution

On obtaining Judge's Certificate, Money for defraying Costs, &c. may be raised by Mortgage.

Execution of these present Authorities, from any Persons or Corporations willing to advance the same, and, as a Security for the Money to be so raised, by any Deed or Deeds, duly sealed and delivered by him, and also registered in the Registry of his Diocese, to demise any Messuages, Lands, Towns, Tenements, Tithes, Rents-charge, or other Rents and Hereditaments of or belonging to his See, to the Persons or Corporations advancing the same Money, or to such Person or Persons as they respectively may appoint, by way of Mortgage, for any Term or Terms of Years, subject to proper Provisions for the Cesser of every such Term on Payment of the Principal Money to be so borrowed, with Interest thereon, to the Persons or Corporations who shall advance the same, their Executors, Administrators, Successors, or Assigns, at the Times and in the Manner herein-after mentioned; (that is to say,) the Interest thereof, or of so much thereof as shall from Time to Time remain unpaid, at such Rate as shall be agreed upon, to be paid on the half-yearly Days to be therein appointed, and One Thirtieth Part of the Principal Money at the End of the Third Year from the Determination of the Action or Suit, or the Cesser of the Proceedings with respect to which the said Costs shall have been incurred, and a like Thirtieth Part of the Principal Money at the End of each of the succeeding Twenty-nine Years, which Mortgage or Mortgages shall bind every succeeding Archbishop or Bishop of the same See, until the Principal Money and Interest thereby secured shall be paid off and discharged, as fully and effectually as if such Successor had made or executed the same.

Mortgage to contain a Covenant for Payment of Principal and Interest.

III. And be it enacted, That every such Mortgage shall contain a Covenant from the Archbishop or Bishop making the same, for himself, his Heirs, Executors, and Administrators, to pay and keep down so much of the said Principal Money and Interest as shall become payable upon such Mortgage or Mortgages during his Continuance in his said See.

For Recovery of Monies due on Mortgages.

IV. And be it enacted, That it shall not be lawful for any Mortgagee under the foregoing Authorities to enter into the Possession of the mortgaged Hereditaments or any Part thereof until some Principal Money or Interest secured by any such Mortgage or Mortgages shall be in arrear and unpaid for more than Forty Days after the same respectively shall have become due, but that when and so often as there shall be any such Arrear it shall be lawful for the Mortgagee or Mortgagees, his, her, or their Executors, Administrators, Successors, or Assigns, to recover the Monies so in arrear, together with the Costs and Charges attending the Recovery thereof, upon or out of the mortgaged Hereditaments, by Distress and Sale, in such Manner as Rent Service may by Law be recovered, or by entering on and receiving the Rents and Profits of the same Hereditaments, until full Payment of the same Arrears and Costs and Charges respectively.

No Mortgagee to recover more

V. Provided always, and be it enacted, That no Mortgagee or Mortgagees of the Lands or Possessions of any See under the foregoing

going Provisions shall after any Avoidance thereof be entitled to recover from the Hereditaments therein comprised more than One Year's Interest accrued before such Avoidance upon any Principal Sum due thereon, or more than One Instalment of Principal Money which shall have previously fallen due.

than One Year's Interest, &c. after Avoidance.

VI. And be it enacted, That every Archbishop and Bishop making any such Mortgage as aforesaid, and his Successors, shall pay the Principal and Interest Monies thereby secured at the Times and in manner thereby appointed for the said Purposes, or so much of the same Monies respectively as shall from Time to Time be due; and that upon every Avoidance which shall happen of the See during the Subsistence of any such Security the Archbishop or Bishop avoiding the same, his Heirs, Executors, or Administrators, shall pay so much of the accruing half-yearly Payment of Interest, if any, not actually due at the Time of such Avoidance, as shall be in proportion to the Time which at such Avoidance shall have elapsed of the current Half Year, and, in case such Avoidance shall happen in any Year at the End of which any Instalment of the said Principal Sum shall be due, shall also pay so much of the annual Instalment then accruing of the said Principal Sum as shall be in proportion to the Part which at such Avoidance shall have elapsed of the current Year of the Security: Provided also, that it shall be lawful for the Archbishop or Bishop who shall be entitled to charge any such Principal Monies as aforesaid on the Security of the Possessions of his See, in lieu of borrowing the same, to grant to any Trustee or Trustees for himself any such Security for the same Monies, and Interest thereon at any Rate not exceeding Four Pounds *per Centum per Annum*, as he might have granted to any Person or Corporation advancing the same Monies; and that if any Archbishop or Bishop entitled to charge any Principal and Interest Monies upon the Possessions of his See under the Provisions of this Act shall die without having fully exercised or relinquished his Power, and before the Expiration of One Year from the Time at which the same Power shall have arisen, it shall be lawful for his Executors or Administrators to exercise the same Power to the like Extent as he might himself have done if still living, for the Benefit and in Increase of his Personal Estate; and that if any such Archbishop or Bishop shall die within Three Calendar Months next after the Determination of any Action or Suit, or the Cesser of the Proceedings in or with reference to which he shall have incurred any Costs, which, if living, and having obtained such Certificates as aforesaid, he might have charged on the Possessions of his See, then and in such Case his Executors or Administrators shall be at liberty to apply for such Certificates, and after obtaining the same to create any such Security for the Benefit of his Personal Estate as he might himself have created for the Amount of such Costs and Interest thereon.

For regulating Payment of Principal and Interest, and Proportions of Interest on Avoidance.

Principal Monies may be charged on Estates of the See in Trust, in lieu of borrowing.

VII. Provided also, and be it enacted, That notwithstanding any such Mortgage or Mortgages as aforesaid it shall be lawful for the Archbishop or Bishop who shall have made the same, and his Successors, from Time to Time to make such Contracts and Agreements for Leases, and to grant such Leases, as he or they might have entered

Mortgages not to interfere with Power of leasing.

into or executed in case the said Mortgage or Mortgages had not been made.

Who may charge Costs of Quare impedit.

VIII. And whereas many such Writs of Quare impedit have been sued out and Proceedings instituted by Persons who, under Family Settlement or otherwise, would only be entitled to a Life Estate or other limited Interest in the Advowsons or Right of Presentation to the Ecclesiastical Benefices to recover which the said Writs have been sued out and Proceedings instituted; and it is just and expedient that the said Plaintiffs in such Actions should be enabled, under certain Restrictions, to charge the reasonable Costs and Expences incurred by them in prosecuting such Claims upon the Estates of those who would be entitled in remainder to such Advowsons or Right of Presentation; be it enacted, That it shall and may be lawful for every Person who has now sued out any Writ of Quare impedit or instituted or brought any other Action or Suit to recover the Right of Presentation to or Patronage of any Ecclesiastical Benefice or Preferment in *Ireland*, and who shall in such Action or Suit finally establish his Right to such Advowson, Presentation, or Patronage, and who shall be by any Family Settlement or otherwise entitled only to a Life Estate or other limited Interest in or to the Advowson or Right of Presentation or Patronage in respect of which he shall so establish his Right, shall be entitled to charge all such Costs as he shall have incurred in the bringing and prosecuting of such Actions, and all Costs incidental thereto, including the Costs incident to any Appeal or Writ of Error therein, and over and above all such Costs as he shall be entitled to recover from the Defendant or Defendants in such Action, upon the Fee and Inheritance of the said Advowson, Right of Presentation, or Patronage, and also upon the Remainder, Fee, or Inheritance of all Lands, Tenements, and Hereditaments of which he shall be seised of the same Estate as in the said Advowson, Right of Presentation, or Patronage, and which are or shall be settled to the same Uses as the said Advowson, Right of Presentation, or Patronage: Provided always, that the Amount of Costs to be charged under the Authority of this Act shall be determined and certified by the Master of the Court of Common Pleas in *Ireland*, whose Certificate shall be final and conclusive, for the Purpose of the Securities hereby authorized to be made, that the Amount specified in such Certificate was properly and necessarily incurred.

Such Costs to be determined by Master of Common Pleas in Ireland.

Costs to be charged on Lands, &c. specified in Master's Certificate.

IX. And be it enacted, That it shall be lawful for any Plaintiff having obtained any Certificate as aforesaid, and which Certificate shall be deposited in the Office for registering Deeds in *Ireland*, by Deed under his Hand and Seal to charge the said Lands, Tenements, and Hereditaments which by this Act he is authorized to charge with the Amount specified in such Certificate; and such Charge, subject to all prior Incumbrances affecting the said Lands, Tenements, or Hereditaments, shall, on being registered in the Office for registering Deeds in *Ireland*, pursuant to the Statutes for that Purpose, be as valid and effectual to all Intents and Purposes as if made by a Person having the absolute Interest in the said Lands, Tenements, and Hereditaments; and that it shall and may be lawful for the said Plaintiff to exercise such Power of charging said Lands in favour of any Person

that he may think fit, either as a Security for the Loan of Money or otherwise; and that such Charge so created shall bear Interest from the Day of the Registration of the Deed creating same, at a Rate not exceeding Five Pounds *per Centum per Annum*, and shall be capable of being assigned and transferred.

Liability of such Lands, &c. limited.

X. Provided always, and be it enacted, That it shall not be lawful for any Person entitled to the said Charge to proceed to raise the Amount of the same by Sale of any of the Lands, Tenements, and Hereditaments upon which same shall be so charged, during the Continuance of the Life Estate of the Person so creating said Charge, nor shall it be lawful for such Person, at the Determination of the said Life Estate, to charge more than One Year's Arrear of Interest accruing during the said Life Estate, upon the Inheritance or Remainder in the said Lands; and that it shall be lawful for the Person entitled to such Charge, whenever One Year's Interest shall be in arrear, to apply by Petition, verified by Affidavit, to a Court of Equity in *Ireland*, stating the Facts, and it shall and may be lawful for such Court of Equity, on being satisfied that such Charge has been rightly created under this Act, and that One Year's Interest is due thereon, to appoint a Receiver over all or a competent Part of the Lands, Tenements, and Hereditaments included in such Charge, for the Purpose of paying such Interest, or if a Receiver be already appointed over such Lands, then to extend the said Receiver to the Matter of such Petition.

Plaintiff may charge his Costs, &c. if nonsuited, provided the Judge certifies that they ought to be charged.

XI. And be it enacted, That in case a Verdict shall be had against any Plaintiff, Tenant for Life as aforesaid, in any such Suit or Action, or the Plaintiff be nonsuited, or Judgment shall be given against such Plaintiff, or such Action shall be discontinued, dismissed, or abated before any Trial thereof; it shall and may be lawful for such Plaintiff to charge all such reasonable Costs and Expences which he shall incur in such Actions, including the Costs of any Appeal or Writ of Error from any Judgment therein, together with all Costs to which the Plaintiff may become liable, upon such Lands, Tenements, and Hereditaments, (except the said Advowson,) as he would have been entitled under the Provisions herein-before contained to charge his Costs if he had been successful in said Suit; provided that the Judge before whom such Action shall be tried, in case of a Verdict or Nonsuit in a Trial at Nisi Prius before a single Judge, and in all other Cases the Chief Justice of the Court of Common Pleas in *Ireland*, shall certify by Writing under his Hand that the said Plaintiff had probable Cause for instituting such Proceedings, and that such Costs ought properly to be charged upon the Lands, Tenements, and Hereditaments by this Act made chargeable therewith; and upon the obtaining of such Certificate the like Reference shall be made to the Master of the Court of Common Pleas to ascertain the Amount of such Costs, and the like Proceedings in all respects had, as herein-before provided in the Case in which the Plaintiff shall succeed, and with the same Force and Effect in all respects as is herein-before provided with regard to the same: Provided always, that the Certificate of the Judge or Lord Chief Justice, as the Case may be, shall be deposited,

in

in such Case, together with the Master's Certificate of the Amount of such Costs, in the Office for registering Deeds in *Ireland*.

Construction of Act.

XII. And be it enacted, That the Word "Plaintiff" in this Act shall be deemed and construed to include the Case in which more than One Person is Plaintiff; and that, except where the Provisions or Context of this Act exclude such Construction, every Word importing the Singular Number only shall extend and be applied to mean several Persons and Things as well as one Person and Thing; and that every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

To what Suits Provisions of this Act shall extend.

XIII. And be it enacted, That all the Provisions of this Act shall extend and be applied to all such Cases in which Proceedings have been taken or Suits commenced for the Recovery of the Advowsons of or Right of Presentation to any Ecclesiastical Benefice in *Ireland* in the Names of any Person or Persons as Trustees, where the immediate Cestuique Trust would be only Tenant for Life of such Advowson; and that for the Purposes of this Act all such Proceedings shall be deemed to have been taken and such Actions instituted in the Name of the said Tenant for Life, who shall have the same Power of charging the Costs and Expences incurred by him or by such Trustees, upon any Lands, Tenements, and Hereditaments of which he is Tenant for Life, as if the said Proceedings had been brought in the Name of such Tenant for Life, and not in the Name of said Trustees.

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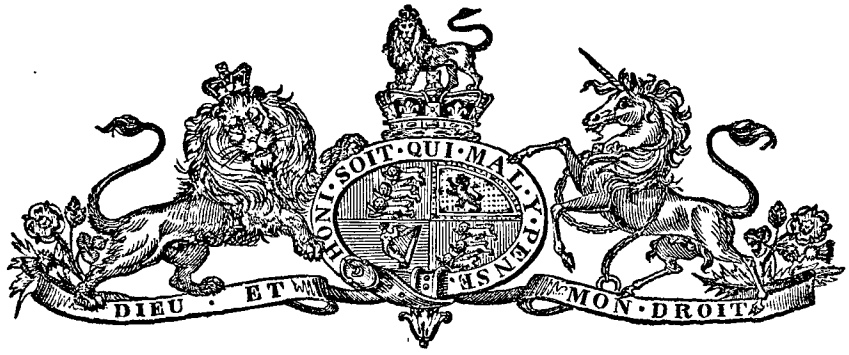

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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Corporate, Borough, or Cinque Port, within *England* and *Wales* or the Town of *Berwick-upon-Tweed*:

Declaration.

'I *A. B.*, being a Person professing the Jewish Religion, having conscientious Scruples against subscribing the Declaration contained in an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments*, do solemnly, sincerely, and truly declare, That I will not exercise any Power or Authority or Influence which I may possess by virtue of the Office of to injure or weaken the Protestant Church as it is by Law established in *England*, nor to disturb the said Church, or the Bishops and Clergy of the said Church, in the Possession of any Right or Privileges to which such Church or the said Bishops and Clergy may be by Law entitled.'

Declaration to be as valid as that of 9 G. 4. c. 17.

II. And be it enacted, That such Declaration shall, with respect to any such Office, be of the same Force and Effect as if the Person making it had made and subscribed the Declaration aforesaid contained in the said Act of the Ninth Year of the Reign of King *George* the Fourth.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

CAP. LIII.

An Act to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, certain Turnpike Acts.

[31st *July* 1845.]

WHEREAS it is expedient that the several Acts herein-after specified should be continued for a limited Time: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain*, which will expire on or before the End of the next Session of Parliament, shall be continued until the First Day of *October* in the Year One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament; except such Acts for making, repairing, or regulating any Turnpike Road or Roads as shall be sooner repealed under the Provisions of an Act passed in the last Session of Parliament, intituled *An Act to consolidate and amend the Laws relating to Turnpike Trusts in* South Wales. Continuance of Acts. 7 & 8 Vict. c. 91. s. 34.

II. And

Alteration of Act.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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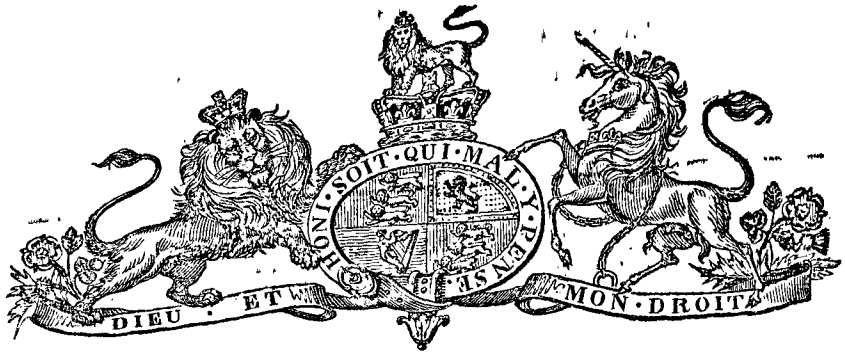

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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The Lord Lieutenant and Privy Council in Ireland, with the Consent of the Archbishop, Bishop, and Patrons, may unite Parts of One or more Parishes to any other Parish or Parishes.

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors, with Assent of the major Part of the Privy Council as aforesaid, in like Manner, and with such Advice, Approbation, and Consent respectively as aforesaid, certified or attested as aforesaid, to unite Parts of One or more Parishes to any other Parish or Parishes or Part or Parts of a Parish or Parishes, and to erect such united Parishes or Part or Parts of a Parish or Parishes, or such Unions, into new Parishes, with all parochial Rights; and all such Unions made under this Act shall be subject to the several Provisions of the said recited Act in respect to Unions made under that Act, save and except so far as the same would be repugnant to this Act: Provided always, that nothing in this Provision contained shall be construed to prejudice the Powers in the said recited Act contained as to Unions or Divisions of Parishes.

When new Unions are created, the Lord Lieutenant and Council, with the Assent of the Archbishop, Bishop, and Patrons, may make a Settlement of the Patronage.

II. And whereas by the said recited Act it is amongst other things also enacted, "that when Two or more Churches or Parishes shall be united into One, in pursuance of the said Act, the same having formerly had distinct Patrons, in such Cases the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and Privy Council, with the Advice and Approbation of the respective Archbishop and Bishop in whose Province and Diocese the said Churches were situate, shall divide the Patronage by Turns among the Patrons, giving to each of them a Right to present oftener and seldomer, according to the true yearly Value of the respective Parish or Parishes whereof they are Patrons, the Consent of each Patron being first had, and entered in the Instrument for erecting the said Union; and such Settlement or Settlements as aforesaid shall be final and binding to all Patrons, whether Ecclesiastical or Lay Patrons, and to all Parties for ever; reserving always unto every Archbishop and Bishop, Registrars and Schoolmasters, their respective Dues payable out of every such Parish so united: Provided always, that where the Queen's Majesty, Her Heirs and Successors, is or shall be entitled to the Presentation of any of the said Parish Churches so to be united, he and they shall, from and immediately after such Union, upon the then first Vacancy, have the first Presentation of an Incumbent unto such united Church, and afterwards, upon the then next Vacancy, the other respective Patrons severally, as the Lord Lieutenant or other Chief Governor or Governors and Council aforesaid, with the Advice and Approbation aforesaid, shall direct and appoint, regard being had to the respective Values of the several Parishes so to be united as aforesaid, and so in course respectively in manner aforesaid:" And whereas it is expedient that further Provision should be made for the Settlement of the Patronage of Ecclesiastical Unions; be it therefore enacted, That where, in pursuance of the said recited Act or this Act, Two or more Churches or Parishes shall be united into One, or where any Parish or Part of a Parish or Parts of Parishes shall be united to any other Parish or Parishes or Part of a Parish or Parts of Parishes, in every such Case it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with the Assent of Her Majesty's Privy Council in *Ireland* as aforesaid, if he and they shall so think fit, and with the Advice

Advice and Approbation of the Archbishop and the Bishop in whose Province and Diocese the said Churches, Parishes, Part or Parts of a Parish or Parishes, are situate, certified under their Hands and Archiepiscopal and Episcopal Seals, and with the Consent of each Patron or Person, or Body Politic, Corporate, or Collegiate, whose Ecclesiastical Patronage shall be in anywise affected by the Creation of such Union, (every such Consent to be first had, and entered in the Instrument for erecting the said Union,) to make and establish such a Settlement or Distribution of the Patronage of such Union, and of the Patronage of all Unions and Parishes from which any Parish or Parishes or any Part of a Parish or any Parts of Parishes have been severed in order to create such Union, as in the Opinion of such Lord Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid the Justice of the Case shall require; and every such Settlement or Distribution shall be final and binding to and upon all Patrons, whether Ecclesiastical or Lay Patrons, and to and upon all Parties for ever; reserving always unto every Archbishop and Bishop, Registrar and Schoolmaster, their respective Dues payable out of every such Parish or Part of a Parish so united: Provided always, that in every Case where the Consent of the Queen's Majesty, Her Heirs or Successors, is to be given to any such Settlement or Distribution of Patronage, or to making any Union, under this Act, the Consent in that Behalf of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, under his or their Hand and Seal or Hands and Seals, shall to all Intents and Purposes be as good and valid in Law as if the Consent of Her Majesty, Her Heirs or Successors, had been thereunto signified by Letters Patent under the Great Seal of *Ireland*.

The Consent of the Crown as Patron may be given by the Lord Lieutenant.

III. And be it enacted, That in case the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Privy Council shall by virtue of the Powers in that Behalf in them vested under any Act now in force or under this Act divide old Parishes, or separate any Parish or Part or Parts of a Parish or Parishes heretofore united, and in case the Incumbent of any Union or Parish or Part of a Parish divided or separated shall by virtue of any Law or Statute be entitled to receive from the next Successor of such Incumbent in such Union, Parish or Parishes, or Part thereof, any Sum or Sums of Money on account of any Purchase of or Addition to Glebes, or of any Buildings or Improvements, or of Money paid by such Person to his immediate Predecessor on such Accounts respectively, then and in every such Case it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council to order and direct that such Sum or Sums of Money shall be charged and chargeable, in such Shares and Proportions as they shall think just and reasonable, upon the several Parishes or Part or Parts of Parishes respectively theretofore united; and such Shares and Proportions shall be paid and payable by the several Incumbents of such Parishes respectively, or Part or Parts of Parishes respectively, to such Person and at such Times and in such Manner as the whole of such Sum or Sums of Money would have been payable by virtue of any Law or Statute in force in *Ireland* in case such Division or Separation had not taken place: Provided always, that it shall and may be lawful for every such Incumbent or other Person, or his Representatives, having paid any

In Cases of Divisions of Parishes, &c. Power to apportion Charges for Improvements on Glebes, &c.

any such Share or Proportion in manner aforesaid, to receive and recover from his next and immediate Successor such Part of such Share and Proportion, at such Time, and by such Ways and Means, as if such Share or Proportion had been paid by him to his next and immediate Predecessor by virtue of any Law or Statute in force in *Ireland*, unless there shall be any Provision to the contrary thereof contained in such Order of such Lord Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid, in which last-mentioned Case such Part of such Share or Proportion shall not be recoverable from such Successor.

The Division of the Union of Burnchurch shall, if so ordered by the Lord Lieutenant and Council, take effect forthwith.

IV. And whereas it is expedient, and hath been agreed between and by the Archbishop of *Dublin* and the Bishop of *Leighlin*, *Ferns*, and *Ossory*, and the present Incumbent of the Ecclesiastical Union of *Burnchurch*, herein-after mentioned, situate in the Diocese of *Ossory* and County of *Kilkenny*, (in case the Consent and Approbation of the said Lord Lieutenant or other Chief Governor or Governors and Privy Council should be given thereto,) that the said Union should be divided, and that such Division should be made to take effect forthwith; be it therefore enacted, That every Order or Instrument to be made or executed in pursuance or by virtue of the said Act of the Seventh and Eighth Years of King *George* the Fourth and of this Act, or of any of them, for or in respect of the Division of the said Ecclesiastical Union of *Burnchurch*, or in relation to making any new Union, to be composed wholly or in part of any Part or Parts of such present Union of *Burnchurch*, or in relation to the Ecclesiastical Patronage affected or to be affected by such Division or any such new Union as last aforesaid, shall come into operation and take effect from and immediately after the making or Execution of such Order or Instrument, or at such Time or Times as may be appointed in such Order or Instrument, as fully and effectually, to all Intents and Purposes, as the same would under the said recited Act or this Act come into operation or take effect upon the Decease of the then Incumbent or Incumbents of all and every or any Parish, Parishes, or Part or Parts of a Parish or Parishes affected thereby.

Providing for Celebration of Marriages, until a Parish Church is erected in any disunited or newly erected Parish.

V. And whereas, under the Provisions of the said recited Act, and other Acts for the Dissolution of Unions of Parishes in *Ireland*, certain Parishes have been disunited, and constitute distinct Benefices, in each of which Benefices so disunited a Parish Church has not as yet been built: And whereas, under the Provisions of this present Act, Parishes may be disunited, and new Parishes may be erected in which Churches have not as yet been built; be it therefore enacted, That, until a Parish Church be built in any such disunited or newly erected Parish, Marriages of Parties dwelling therein may be celebrated, according to the Rites of the United Church of *England* and *Ireland*, in the Parish Church of any adjoining Parish.

Alteration of Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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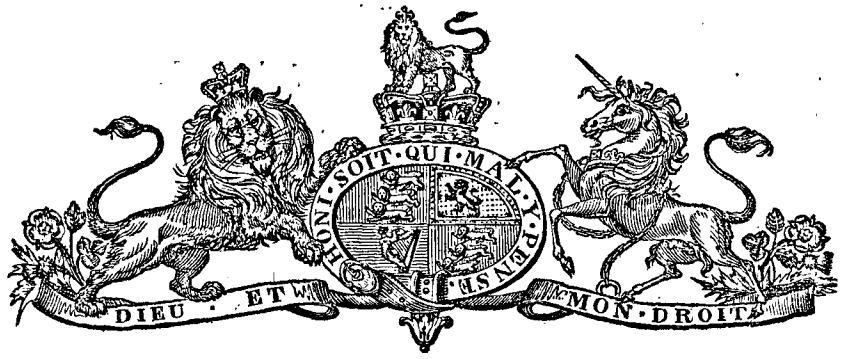

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LV.

An Act to continue for Two Years, and to the End of the then next Session of Parliament, and to amend, an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland. [31st *July* 1845.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the more effectually preventing the administering and taking of unlawful Oaths in* Ireland; *and for the Protection of Magistrates and Witnesses in Criminal Cases*: And whereas the said Act was amended by an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and render more effectual the Provisions of an Act made in the Fiftieth Year of His late Majesty's Reign, for preventing the* 50 G. 3. c. 102. 4 G. 4. c. 87.

adminstering

administering and taking unlawful Oaths in Ireland: And whereas the Provisions of the said last-recited Act were extended and rendered more effectual by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of the Reign of His late Majesty King* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland: And whereas by an Act of the last Session of Parliament the said last-recited Act was continued for the further Period of One Year from the First Day of *September* in the Year One thousand eight hundred and forty-four, and will expire on the First Day of *September* in this present Year; and it is expedient that the same should be further continued and amended as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said last-recited Act of the Second and Third Years of the Reign of Her present Majesty, subject to the Amendment herein-after contained, shall be and continue in full Force and Effect for the further Period of Two Years from the said First Day of *September* in this present Year, and until the End of the then next Session of Parliament.

2 & 3 Vict. c. 74.

7 & 8 Vict. c. 78.

Last-recited Act continued for One Year, as hereby amended.

So much of last-recited Act as enacts that Persons having in possession Copies of Passwords, &c. shall be deemed guilty of unlawful Combination, &c. repealed.

II. And be it enacted, That from and after the passing of this Act so much of the said last-recited Act of the Second and Third Years of the Reign of Her present Majesty as enacts, that any Person who after the Day therein mentioned shall knowingly have in his Possession any Copy, written or printed, of any such Password or Passwords as therein mentioned, or other secret Mode of Communication, or of any Oath, Engagement, Test, or Declaration made use of or purporting to be made use of by any such Society as in the said last-recited Act mentioned, or by any Division of any Society declared to be unlawful by the said Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, and shall not be able satisfactorily to account for the same, shall be deemed guilty of an unlawful Combination and Confederacy, and shall be liable to such and the like Penalties, Proceedings, and Punishment as by the said Act of the Second and Third Years of the Reign of Her present Majesty is provided, shall be and the same is hereby repealed, save and except as to any Matter or Thing heretofore done under the Authority of the same.

Alteration of Act.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LVI.

An Act to alter and amend an Act passed in the Third and Fourth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to enable the Owners of Settled Estates to defray the Expences of draining the same by way of Mortgage.* [31st *July* 1845.]

WHEREAS by an Act passed in the Third and Fourth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to enable the Owners of Settled Estates to defray the Expences of draining the same by way of Mortgage*, after reciting that whereas much of the Land in *England* and *Ireland* would be rendered permanently more productive by improved Draining, and nevertheless, by reason of the great Expence thereof, Proprietors having a limited Interest in such Land were often unable to execute such draining, and that it was expedient, as well for the more abundant Production of Food as for the increased Employment of Farming Labourers, and the extended Investment of Capital in the permanent Improvement of the Soil, that such Proprietors should

3 & 4 Vict. c. 55.

should be relieved from such Disability, due Regard being had to the Interests of those entitled in remainder, it was amongst other things enacted, that it should be lawful for any Tenant for Life, or for Term of Years, as therein mentioned, entitled to any Lands in *England* or *Ireland*, or such Guardian or Guardians as therein mentioned, to apply by Petition to Her Majesty's Court of Chancery or Exchequer in *England* or *Ireland* for Leave to make permanent Improvement in the Lands to which he or she should be so entitled, by draining; and by the said Act Provision is made for the charging the Cost of such Draining on the Lands so drained, and otherwise as in the said Act is mentioned: And whereas the Advantages contemplated by the said recited Act are diminished by reason of the Costs attending the making such Application and such Charge as by the said Act is provided; and it is therefore, and for other Reasons, expedient that the Provisions of the said Act should be repealed, and should be re-enacted, with such Modifications, Extensions, and Alterations as are after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, subject to any Proceedings under the said recited Act which at the Time of the passing of this Act shall be pending, the said recited Act shall be and is hereby repealed.

Recited Act repealed.

Proceedings now pending may be completed under this Act.

II. And be it enacted, That from and after the passing of this Act any Proceedings now pending may be completed under the Provisions of this Act, as if the same had commenced after this Act had passed.

Tenants by Curtesy, Trustees, &c. may petition for Leave to make permanent Improvements in Lands in their Possession.

III. And be it enacted, That any Person entitled in possession to any Land as Tenant by the Curtesy, or for his own Life, or any other Life or Lives, or for Years determinable on any Life or Lives, or any Infant entitled as aforesaid by his Guardian or next Friend, or any Idiot or Lunatic entitled as aforesaid by the Committee of his Estate, or any married Woman entitled as aforesaid for her separate Use by her next Friend, or the Husband of any married Woman entitled as aforesaid in her Right, or any Feoffees or Trustees for any charitable (or other) Purposes, or any Ecclesiastical or other Corporation Aggregate or Sole, or any Mortgagee or Incumbrancer in Fee in possession of the Land mortgaged or incumbered, or any Person entitled in Fee to any Equity of Redemption, and in possession of the Land mortgaged, shall be at liberty to apply to the High Court of Chancery, by Petition to the Lord Chancellor or the Master of the Rolls, for Leave to make any permanent Improvements in the Land to which such Person or Corporation shall be so entitled, or

any Part thereof, by draining the same with Tiles, Stones, or other durable Materials, or by warping, Irrigation, or Embankment in a permanent Manner, or by erecting thereon any Buildings of a permanent Kind incidental or consequential to such draining, warping, Irrigation, or embanking, and immediately connected therewith, and shall in such Petition be at liberty to pray that the Expence of making any such permanent Improvement may be made a Charge on the Inheritance of the Land under the Provisions of this Act.

Such Petition to be referred to the Master, who shall report thereupon.

IV. And be it enacted, That upon the Presentation of any such Petition as aforesaid it shall be lawful for the Court, without requiring the Attendance of any Counsel or Solicitor, to refer it to One of the Masters of the said Court to make all necessary and proper Inquiries, and consider all such Estimates and Valuations as shall be produced before him in relation to the Matter of such Petition, and thereupon to report whether in his Opinion it will be beneficial to all Persons interested in the Land that such permanent Improvements should be made under the Provisions of this Act.

Master's Report to be filed, and on Confirmation thereof by the Court, Improvements may be made.

Certificate to be issued by the Master.

V. And be it enacted, That such Report shall be filed in the Report Office of the said Court, and if no special Application to review the same shall be made within Fourteen Days after the filing thereof, it shall be lawful for the said Court, upon the Petition of the Party obtaining the same, and without the Attendance of any Counsel or Solicitor, to confirm the said Report absolutely, and thereupon to authorize or permit such permanent Improvements to be made; and the Master may thereupon certify that any Person advancing Money for the Purpose of making such permanent Improvements of the Land under the Provisions of this Act will, upon its appearing to the said Master that such Sum of Money has been fully expended in making such Improvements, or in paying the Expence of obtaining the Authority of the said Court, become and be entitled to a Charge on the Land for the Repayment of the Money advanced, with Interest; provided that upon Application to the Court to confirm the Master's Report it shall be lawful for the Court, if in its Opinion the Case shall appear to require the same, to refer it back to the Master to review his Report, or to receive fresh Evidence in support of the Master's Finding, or otherwise for the Purpose of ascertaining in a more satisfactory Manner whether it is proper to make the Improvements proposed under the Provisions of this Act.

After Endorsement of Master's Certificate Inheritance to become

VI. And be it enacted, That the Master, having granted such Certificate as aforesaid, is to be at liberty to inquire and state what Expences have been incurred in and about the Application to the Court, and making the necessary Surveys, Valuations, and Estimates, and

charged with Expences incurred.

and also to inquire and state what Sums of Money have been actually expended in such Improvements; and the Master, being satisfied as to the Amount of such Expences, may endorse upon the said Certificate that it hath been made to appear to him that the whole, or such Part of the Monies so advanced as aforesaid as upon the Evidence shall appear to have been so advanced, hath been fully expended in manner aforesaid, and upon such Endorsement being made the Inheritance of the said Lands shall thereupon become and be charged with the Payment of the said Sum, with Interest as from the Time when the same was advanced; and such Charge shall have Priority over other Charges, except Tithe Commutation Rent-charges, and any Quit or Chief Rents incident to Tenure; and a Memorial of every such Certificate, charging Hereditaments in the Counties of *Middlesex* and *Yorkshire* in *England*, or any Hereditaments in *Ireland*, may in all respects be registered as Deeds are now registered in *Middlesex*, *Yorkshire*, and *Dublin* respectively, and without Payment of any Fee.

Registry of Memorial of Certificate.

Certificate to be filed in the Report Office, and Duplicate to be Evidence.

VII. And be it enacted, That such Certificate as aforesaid shall be filed in the Report Office, and a Duplicate thereof, signed by the Master, shall be delivered to the Person advancing the Money, and shall be legal Evidence of his Title to the Money; and the Security shall take effect as from the granting of the Certificate.

Money advanced to bear Interest not exceeding Five per Cent.

VIII. And be it enacted, That the Money so to be advanced, or so much thereof as shall from Time to Time remain unpaid, shall bear Interest at such Rate as shall be agreed upon, not exceeding the Rate of Five *per Centum per Annum*, from the Time when the same shall be advanced, and such Interest shall be payable half-yearly.

Principal to be repaid by equal annual Instalments.

IX. And be it enacted, That the Principal Money so to be advanced shall be repaid by equal annual Instalments; and such annual Instalments shall, in the Case of Improvements by Drainage, warping, Irrigation, or Embankment, be not less than Twelve nor more than Eighteen in Number, and shall, in the Case of Improvements by the Erection of Buildings, be not less than Fifteen nor more than Twenty-five in Number.

Person in possession of Lands charged bound to pay Interest, &c. during Continuance of his Title.

X. And be it enacted, That any Person on whose Petition such Charge shall be made, and every succeeding Tenant for Life or other Person having only a limited Interest in the Lands charged, shall be bound to pay the Interest and Instalments which become from Time to Time due and payable during the Continuance of his Title to the Land, and on the Termination of such Title by Death or otherwise the Inheritance shall remain chargeable with no more than Six Months Arrears of Interest then due, and One Half of

of the last Instalment then due, and the Interest and Instalments thereafter to become due.

Works, &c. for Irrigation to be kept in repair by Tenant for Life, &c.

XI. And be it enacted, That every Tenant for Life or other Person having a limited Interest shall be bound to keep in repair any Buildings erected or built, or Embankments or Works for Irrigation constructed or made, under the Provisions of this Act, and as if he were Tenant for Life subject to Impeachment for Waste.

Lord Chancellor, &c. to make Orders for facilitating Proceedings.

XII. And be it enacted, That for the simplifying the Proceedings under this Act, and the rendering the same inexpensive, it shall be lawful for the Lord High Chancellors of *Great Britain* and of *Ireland* respectively, or the Lords Commissioners or Keepers of the Great Seal respectively, with the Assistance of the Master of the Rolls of *England* and *Ireland* respectively, from Time to Time to make such Orders and Provisions as they may think proper for the facilitating the Mode of Application to the Court, and of the Proceedings before the Master or otherwise.

Assent of Occupier requisite for Improvement of Lands held by him.

XIII. Provided always, and be it enacted, That where any Portion of Land proposed to be drained or otherwise improved or built on as aforesaid shall be in the actual Occupation of any Person, the Consent in Writing of such Person shall be necessary in order to give Validity to the Application of the Proprietor in respect of the Land, any thing herein-before contained to the contrary notwithstanding.

Appointment of Surveyors and other Officers.

XIV. And be it enacted, That it shall be lawful for the Master either to require the Evidence of a Surveyor to be from Time to Time appointed by him to make such Reports as to the Matters to be referred to him, or, if he shall think fit, to take the Evidence of the Surveyor appointed by any Party applying to the Court; and that it shall be lawful for the Lord High Chancellors of *Great Britain* and of *Ireland* respectively, and the Lords Commissioners or Lords Keepers respectively, from Time to Timeto appoint any Persons respectively as the Persons to report to or give Evidence before the Master to whom the Matter shall be referred: Provided always, that it shall be lawful for any Persons hereby authorized to apply to the Court of Chancery in *Ireland* to apply to the Court of Exchequer in *Dublin* instead of the Lord Chancellor, and the Lord Chief Baron of such Court shall in all respects have the same Powers as are hereby given to and vested in the Lord High Chancellor of *Ireland* or the Lord Commissioner or Keeper of the Great Seal of *Ireland*, and the Matters directed to be done by a Master of the Court of Chancery may in all respects be done and executed by the Chief Remembrancer of the said Court of Exchequer,

Chief Baron of Exchequer in Dublin to have the Powers hereby given to Lord Chancellor of Ireland.

Alteration of Act.

XV. And be it enacted, That this Act may be altered, amended, or repealed by any Act to be passed in the present Session of Parliament.

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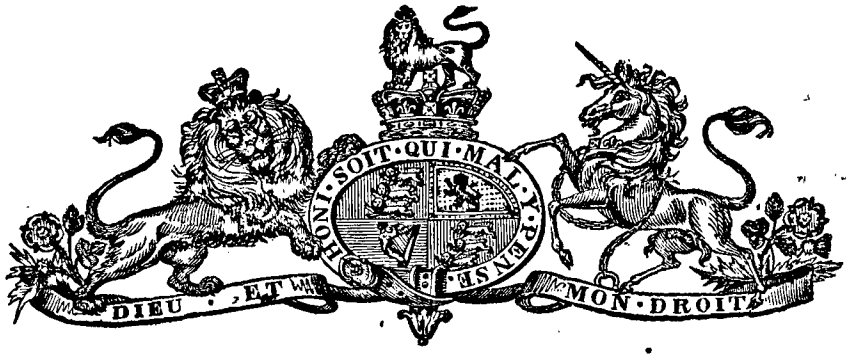

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LVII.

An Act to extend the Indemnity of Members of Art Unions against certain Penalties.

[31st *July* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to indemnify Persons connected with Art Unions, and others, against certain Penalties:* And whereas the Indemnity secured to Members of Art Unions against the Suits, Prosecutions, Liabilities, Pains, and Penalties therein mentioned refers only to things done by them before the Thirty-first Day of *July* in this Year; and it is expedient to extend the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Persons, being Members of any such Art Union as is specified in the said Act, shall be discharged and freed from all Suits and Prosecutions, Liabilities, Pains, and Penalties, to which by Law they might be liable, as being concerned in Lotteries, Little-goes, or unlawful Games, for any thing which may be done by them or any of them, as Members of such Art Union, before the First Day of *August* in the Year One thousand eight hundred and forty-six, touching the Purchase of any Picture or other Work of Art, or the Sale or Distribution thereof, by Chance or Lot.

7 & 8 Vict c. 109.

Indemnity of Members of Art Unions continued.

Alteration of Act.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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Suspension by Order in Council.

shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom or any Part thereof, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the giving Notices for and Returns for Lists, and for the ballotting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants or Deputy Lieutenants acting for Lord Lieutenants of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the Militia and Corps of Miners in *Cornwall* and *Devon* shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

Act to extend to Wardens of Stannaries and to Corps of Miners.

III. And be it enacted, That this Act shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries and Corps of Miners in *Cornwall* and *Devon*, as fully as if they were severally repeated in every Clause, Provision, Direction, and Authority herein contained.

Alteration of Act.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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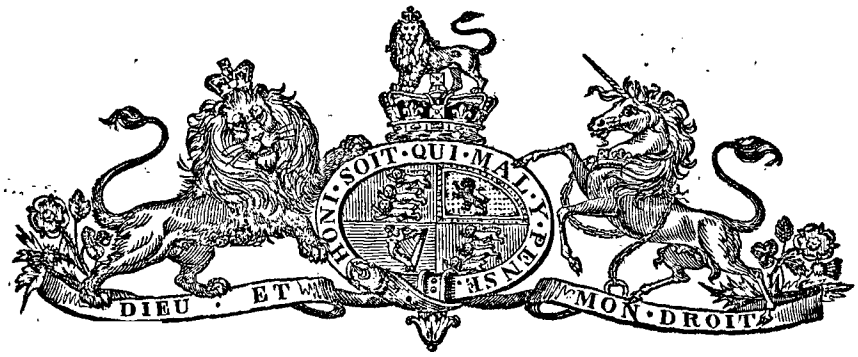

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LIX.

An Act to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads.

[31st *July* 1845.]

WHEREAS an Act was passed in the Fifth Year of the Reign of Her Majesty, intituled *An Act to authorize for One Year, and until the End of the then next Session of Parliament, an Application of a Portion of the Highway Rates to Turnpike Roads in certain Cases*, which Act was continued by an Act passed in the Seventh Year of the Reign of Her Majesty until the First Day of *August* in the Year One thousand eight hundred and forty-four, and, if Parliament be then sitting, to the End of the then next Session of Parliament; and it is expedient that the same be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be continued

4 & 5 Vict. c. 59.

Recited Act further continued.

continued until the First Day of *October* in the Year One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament.

Alteration of Act.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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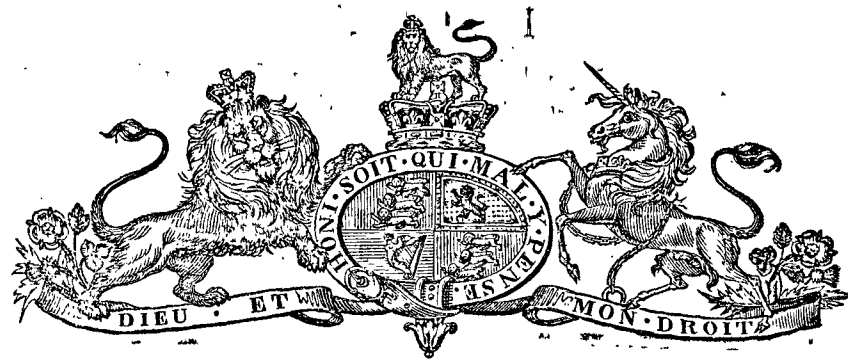

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LX.

An Act to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, the Act to amend the Laws relating to Loan Societies. [31st *July* 1845.]

WHEREAS an Act was passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to Loan Societies*, which Act has been continued by sundry Acts until the First Day of *October* in the Year One thousand eight hundred and forty-five, and, if Parliament be then sitting, to the End of the then Session of Parliament; and it is expedient that the same should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be further continued to the First Day of *October* in the Year One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament. 3 & 4 Vict. c. 110. Recited Act further continued.

II. And

Alteration of Act.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXI.

An Act to make certain further Provisions for the Consolidation of Turnpike Trusts in *South Wales*. [31st *July* 1845.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to consolidate and amend the Laws relating to Turnpike Trusts in* South Wales: And whereas in pursuance of the said Act certain Commissioners have been appointed to execute the Powers and Authorities thereby conferred, and to carry the same into execution; but the Powers of the said Commissioners will cease and determine by virtue of the said Act on the Twenty-ninth Day of *September* next: And whereas it is necessary that Provision should be made for carrying certain Parts of the said Act into effect after such Commission shall have expired, and also that some further Enactments should be made for more fully accomplishing the Objects of the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Pieces of Road in the Schedule marked (A.) to this Act annexed shall become and shall respectively be managed and maintained as Part of the County Roads of the Counties in which they are respectively situate. 7 & 8 Vict. c. 91.

Certain Roads to become County Roads.

II. And

Provision for Roads partly situated in different Counties.

II. And whereas the several Pieces of Road mentioned in Schedule (B.) to this Act annexed have heretofore been repaired and maintained as Parts of certain Turnpike Trusts which extend respectively into Two or more Counties: And whereas it is expedient that such Pieces of Road should continue to be repaired and maintained under one uniform Management, as heretofore; be it therefore enacted, That the several Pieces of Road mentioned in the Schedule marked (B.) to this Act annexed shall be and shall respectively be managed and maintained, and for the Purposes of this Act and the above-recited Act be considered, as Part of the County Roads of the several Counties therein specified respectively.

Power to make new Branch Road in Brecknockshire, authorized by 11 G. 4. & 1 W. 4. c. xxviii. to be made by certain Trustees therein named.

III. And whereas by an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing and improving several Roads in the Counties of* Brecon, Radnor, *and* Glamorgan, *and for making and maintaining several new Branches of Road to communicate therewith*, the Trustees for carrying the said Act into execution were empowered, amongst other things, to make and construct a certain Line or Branch of Road commencing at or near *Tavern-y-Prydd* on the Turnpike Road leading from *Builth* to *Llandovery*, and thence crossing the Rivers *Dulas* and *Irvon*, to *Pontrhydverre*, and from thence to the Turnpike Road leading from the Confines of the County of *Caermarthen* to *Llandovery*, and which said new Line of Road would extend through the several Parishes of *New Church*, *Llangammarch*, and *Llanwrtid*, subject to the Provisions and Regulations of the said Act: And whereas the said Line of Road has not yet been made, but the same, if now constructed, would afford a complete Communication between *Builth* and *Llandovery*, and would be otherwise beneficial to the said County of *Brecknock*; be it therefore enacted, That, subject to the Provisions and Restrictions contained in the said first-recited Act, all the Powers conferred upon the said last-mentioned Trustees by the said last-recited Act, so far as relates to the Construction of the said last-mentioned Line of Road, shall be and the same are hereby vested in the County Roads Board of the said County of *Brecknock*, provided that such last-mentioned Powers be exercised and the said Line of Road be constructed and made within Five Years from the passing of this Act; and such Road, when completed, shall be managed and maintained as Part of the County Roads of the County of *Brecon*.

Awards and Charges made by Commissioners under former Act confirmed.

IV. And whereas the afore-mentioned Commissioners have made certain Apportionments by the said recited Act directed to be made, and have also made various Awards and Reports to Her Majesty's Secretary of State for the Home Department, and the Monies by the said Awards directed to be paid have been paid or are in the Course of Payment; and to avoid any Doubts as to whether in all respects the Forms and Directions by the said Act prescribed have been complied with, or as to whether the Mode or Terms of making the said Apportionments, Awards, and Reports, or the Matters contained therein, or the Manner of the Execution thereof, are in exact Conformity with the Provisions of the said Act, and to give full Force and Validity to the Charges made or to be made

in pursuance of the said Act, be it enacted, That all Charges made or to be made by the said Commissioners, or by One of Her Majesty's Principal Secretaries of State, as the Case may be, and purporting to be made in pursuance of the said recited Act, or of the said Act and this Act, shall after the making thereof be good and effectual in all respects whatsoever, and according to the true Intent and Meaning thereof, and notwithstanding that in certain Cases the said Commissioners may not in all respects have complied or may not hereafter comply with the precise Forms and Directions in the said Act contained, or may not have apportioned, or may not hereafter apportion, on different Counties, Parts of the Debts of any Turnpike Trust, in any Case in which the said Commissioners have given or shall hereafter give in any Report to such Secretary of State their Reasons for not having made or for not making such Apportionment, and such Reports have been or shall be approved by such Secretary of State.

Provision for facilitating Payments by Exchequer Loan Commissioners.

V. And be it enacted, That the Public Works Loan Commissioners may pay any Monies by the said Awards or by any future Awards directed to be paid to any Parties who it shall be made to appear to their Satisfaction are the Persons or Bodies beneficially entitled thereto, and notwithstanding any Error or Omission in the aforesaid Awards or Reports, or the Awards or Reports hereafter to be made, as to the Parties or the Names or Descriptions of the Parties entitled thereto; and further, that all Payments already made, and which the said last-mentioned Commissioners would have been entitled to make, and which would have been effectual if this Act had passed previously to the making of such Payments, shall be and the same are hereby confirmed.

Former Payments confirmed.

Interest at Three per Cent. may be charged by Exchequer Loan Commissioners from Time of Payment until Accounts are made up.

VI. And be it enacted, That all Charges so made, or to be made as aforesaid, shall be valid, notwithstanding Interest after the Rate of Three Pounds *per Centum per Annum* has been or may be charged by the said Public Works Loan Commissioners on the Amount of Monies paid or to be paid by them, from the Date of Payment thereof up to the Time of making up the Accounts, as by the said Act is directed, and from which Period the several Annuities charged or to be charged upon the said Counties respectively are to become payable, although the Rate of Interest charged or to be charged upon such Monies is not specified in the aforesaid Act.

Commissioners to appoint Trustees of Monies secured upon charitable and religious Trusts.

VII. And whereas the Interest of and in divers Sums of Money charged or secured upon the Tolls of certain Turnpike Trusts has been heretofore conveyed to or vested in Trustees, in trust to apply the Proceeds thereof to certain charitable and other Purposes of a public Nature: And whereas in some Cases the Trustees of Turnpike Roads have heretofore acted as the Trustees of such Sums of Money so secured, and in some Cases the Deeds by which such Trusts were constituted have been lost, or the Trustees originally appointed have died, and no new Appointment of Trustees has since been made, or the Persons in whom the legal Interest in such Monies is now vested have become incapacitated, or are desirous to be relieved

relieved from the Burden of such Trusts; and it is expedient that Provision should be made for the better securing of such Monies to the Uses and Purposes to which the same were intended and of Right ought to be applied; be it therefore enacted, That, subject to the Provisions of any general Act which may hereafter be passed for the Regulation of Charitable Trusts in *England* and *Wales*, it shall be lawful for the Commissioners acting in execution of the said recited Act, in any Case in which they shall find that Monies have been secured upon the Tolls of any Turnpike Trust in *South Wales* upon any such charitable or public Trust as aforesaid, for the Execution of which Trust no Trustees, or no Persons legally qualified or competent to act as Trustees, or no sufficient Number of such legal and competent Trustees, exist, by Order under their Hands and Seal to appoint or substitute such fit and proper Persons as they shall determine to be the Trustees, either alone or jointly with any former or existing Trustees, for the Purpose of receiving and applying such Monies as aforesaid to the several charitable or public Purposes to which the same were intended to be and have heretofore been applied, such Purposes in each Case to be specified in such Order of the said Commissioners, and also by such Order to relieve and discharge any Persons now being Trustees of any such Trusts as aforesaid, and who shall be desirous to be so relieved and discharged from the same, and to appoint other fit and proper Persons in their Stead; and in every such Case the Order of the said Commissioners so made as aforesaid shall be a good and valid Appointment or Discharge, as the Case may be, of such Trustees, without any other Deed or Instrument whatsoever.

Trustees to invest the Monies awarded to them for the Benefit of the Trust.

VIII. And be it enacted, That such Trustees so appointed as aforesaid, so soon as they shall have received such Monies as shall be awarded to them by the said Commissioners, shall forthwith invest the same in the best and most advantageous Manner for the Uses and Purposes of such Trusts respectively, regard being had as well to the Nature of the Security by which such Principal Monies may be assured as to the Rate of Interest payable on the same.

Secretary of State empowered to extend or vary the Limits of Towns after the Commission has terminated.

IX. And whereas by the said first-recited Act it is amongst other things enacted, that no Toll shall be taken, and that no Money arising from Tolls on any Turnpike Roads shall be laid out in paving, repairing, or cleansing any Street, Road, or Highway within the Limits of any City or Market or Borough Town for which there shall not be any local Act, and which said Limits shall be fixed and determined, for the Purposes of this Act, with respect to every such City or Market or Borough Town respectively, by the said Commissioners, upon the Report and Recommendation of the County Roads Board acting in and for the County to which any such City or Market or Borough Town shall belong: And whereas the Limits of the several Cities and Market and Borough Towns which are subject to the Powers and Provisions of the said Act have been fixed and determined by the said Commissioners in the Manner by the said Act prescribed; but it is expedient that Power should be vested in some competent Authority to vary or extend such Limits in any particular Case, from Time to Time, as Circumstances may require; be

be it enacted, That after the Termination of the said Commission it shall be lawful for one of Her Majesty's Principal Secretaries of State, if he shall think fit, by Order under his Hand, upon the Recommendation of the County Roads Board acting in and for the County to which any such City or Market or Borough Town shall belong, from Time to Time to vary or extend the Limits which shall have been fixed and determined for the same respectively by the said Commissioners as aforesaid.

Repeal of Part of 7 & 8 Vict. c. 91. s. 52. respecting Toll for passing or repassing through any Gate within a Mile from Boundary of County.

X. And whereas by the said recited Act it is enacted, that from and after the Repeal of the said local Acts respectively, when any Toll shall have been once taken in respect of any Horse or other Animal not drawing, or of any Horse or other Animal drawing any Carriage or Vehicle, at any Toll Gate or Bar within any of the said Counties, no Toll shall be thereafter taken in respect of the same Horse or other Animal, or in respect of the same Carriage or other Vehicle, on the same Day (to be computed from Twelve of the Clock of the Night to Twelve of the Clock in the next succeeding Night), for repassing through the same Gate or Bar, or for passing or repassing through any other Gate or Bar in the same County within the Distance of Seven Miles from the Gate or Bar at which such Toll shall have been taken, such Distance being measured along Turnpike Roads only, nor for passing or repassing through any Gate or Bar in any other of the said Counties adjoining within the Distance of Two Miles from the Gate or Bar at which such Toll shall have been taken, to be measured as aforesaid, along and in respect of Turnpike Roads within either of such Counties, nor within One Mile, measured as aforesaid, from the Boundary of such Counties; be it enacted, That so much of the said recited Act as enacts that no such Toll as last mentioned shall be taken for passing or repassing through any Gate or Bar within One Mile, measured as aforesaid, from the Boundary of such Counties, shall be and the same is hereby repealed.

Waggons on Springs not to be liable to Toll as Caravans.

XI. And whereas Doubts have arisen as to the Description of Carriages which may be liable to Toll according to the Provisions of the said recited Act under the Denomination of Caravans; be it enacted, That no Waggon, Wain, Cart, or other such like Carriage shall be liable to Toll as a Caravan by reason of its being constructed on Springs, unless the same shall be customarily employed in the Conveyance of Passengers for Hire.

County Roads Board for Carmarthen may carry out a certain Agreement under 11 G. 4. & 1 W. 4. c. 16.

XII. And whereas under and by virtue of an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act for inclosing Lands within the several Parishes of* Kidwelly, St. Mary Kidwelly, Saint Ishmael, *and* Pembrey, *in the County of* Carmarthen, a certain Agreement was entered into between the Commissioner for carrying out the said Inclosure and the Trustees of the *Kidwelly* Trust, for constructing a Line of Turnpike Road along a certain Embankment across the *Gwendraeth Fawr* River in the said County: And whereas such Agreement has been only partially carried into effect: And whereas the Act constituting the said *Kidwelly* Trust has been recently repealed under the Powers conferred

by the herein-before first-recited Act: And whereas it is expedient to vest in the County Roads Board of the said County Power to complete and carry out the said Agreement in like Manner as it might have been had the said *Kidwelly* Trust continued to exist; be it therefore enacted, That the said County Roads Board of the said County may, if they shall think it expedient so to do, complete and carry out the said Agreement with the Commissioner acting under the *Kidwelly* Inclosure Act, in like Manner as the Trustees of the *Kidwelly* Turnpike Trust might have done; and that such Road along the said Embankment, when completed, shall become and be a Part of the County Roads of the said County of *Carmarthen*.

County Roads Boards may dispose of their vested Interest in Toll Houses.

XIII. And whereas the carrying into execution the said recited Act will cause several of the Toll Houses now or lately vested in the Trustees of the several Turnpike Trusts in *South Wales* to become useless for the Purpose of Toll Houses: And whereas the pulling down and disposing of the same, according to the Provisions of general Turnpike Acts, would be attended with great Loss to the several Counties in which the same are situate, and many of the said Toll Houses may be disposed of and left standing without Injury to any Parties; be it therefore enacted, That the several County Roads Boards in *South Wales* in whom any Freehold or other Interest in such Toll Houses may have become vested may make sale of or otherwise dispose of such Interest, any thing in the said general Turnpike Acts or in any other Act to the contrary notwithstanding: Provided always, that the said County Roads Boards, before they shall proceed to dispose of any such Toll House, shall cause their Interest in the same to be valued by some indifferent Surveyor; and in case their Interest in the same shall be any Interest less than Freehold such Interest shall be first offered, at the Price which the said Surveyor shall have put upon the same, to the Person to whom such Freehold shall belong, or if their Interest in the same shall be a Freehold Interest, then to the Owner of the Lands surrounding such Toll House, or to the Lord of the Manor, in case such Toll House shall have been built upon the Waste; and in case any of the said Parties respectively to whom such Right of Pre-emption may belong shall not within One Month after such Offer made consent to purchase the same, or in case such Toll House shall adjoin the Lands of Two or more Owners, or shall not stand upon the Waste of any Manor, then the County Roads Boards may proceed to dispose of the same by Auction, or in such other Manner as they shall deem most expedient.

As to Interpretation of Act.

XIV. And be it enacted, That the Words used in this Act shall be construed according to the same Rules of Interpretation as are prescribed in the said recited Act.

Alteration of Act.

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

1.—A Piece of Road leading out of the present Turnpike Road from Llandowror to Haverfordwest, at or near a Place called Tavernspite, in the County of Pembroke, and joining a certain other Turnpike Road leading from Llandowror to Hobbs Point, at or near a Place called the Red Roses, in the County of Carmarthen.

2.—A Piece of Road lying between Carmarthen Bridge and the Toll Gate now called Pensarn Gate.

3.—A Piece of Road lying between the Northern End of the Bridge over the Towey at or near Llangathen and the main Road from Carmarthen to Llandilo Fawr near the Broad Oak.

4.—So much of the Road leading from Carmarthen to Lampeter as lies between the main Turnpike Road from Carmarthen to Llandilo and Glangwilly Bridge.

SCHEDULE (B.)

1.—A Portion of the Turnpike Road between the Towns of Brecon and Hay, of the Length of Half a Mile or thereabouts, and lying within the County of Radnor, as Part of the County Roads of the County of Brecknock.

2.—All those Parts of the Turnpike Road leading from Neath to Merthyr Tydvil towards Abergavenny, as far as Rhydyblew, which lie in the Counties of Brecknock and Monmouth respectively, as Part of the County Roads of the County of Glamorgan.

3.—Two several Portions of Turnpike Road lying in the County of Hereford, and situate respectively between the Termination of the Mortimer's Cross Trust and New Radnor, and also so much of the Turnpike Road between Knighton and Walton as lies in a certain detached Part of the County of Hereford, as Parts of the County of Radnor.

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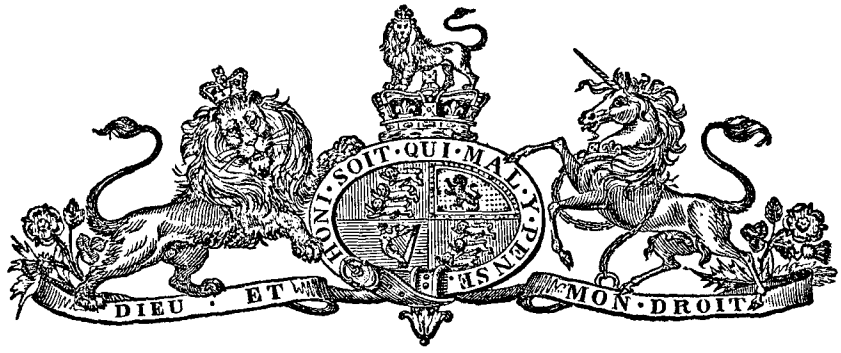

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CAP. LXII.

An Act to make further Provisions as to Stock and Dividends unclaimed. [31st *July* 1845.]

WHEREAS by an Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the transferring Stock upon which Dividends shall remain unclaimed for the Space of at least Ten Years at the Bank of* England, *and also all Lottery Prizes or Benefits and Balances of Sums issued for paying the Principals of Stocks or Annuities which shall not have been demanded for the same Period, to the Commissioners for the Reduction of the National Debt*, Provision is made for transferring all Capital Stock in respect of which any Annuities constituting Part of the National Debt are payable at the Bank of *England*, and upon or in respect of which the Dividends shall be due and remain unclaimed for the Space of Ten Years, and the Balances of Sums issued for paying the Principals of Stocks or Annuities which shall not have been demanded for the same Period, to the Commissioners for the Reduction of the National Debt; and by the said Act Provision is made for enabling Parties entitled thereto to procure a Re-transfer of such Stock, and Payment of the Dividends due thereon; and it is necessary to make further Provisions in relation thereto: Be it therefore enacted by the 56 G. 3. c. 60.

Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

When any Dividends on Stock have remained unclaimed for Ten Years, the same to be paid to the Commissioners for the Reduction of National Debt.

That in every Case in which any Dividends or Dividend accrued due on any Stocks, Funds, or Annuities constituting any Part of the National Debt, and transferrable at the Bank of *England*, shall not have been demanded for the Period of Ten Years or upwards preceding the last Day upon which any Dividend shall have become due or payable upon or in respect of the same Stocks, Funds, or Annuities, such Dividends or Dividend, and all other Dividends since accrued in respect of the same Stocks, Funds, or Annuities, shall immediately after the Expiration of such Period of Ten Years be paid to the Account of the Commissioners for the Time being for the Reduction of the National Debt, and shall be by them invested in the Manner directed by the said recited Act with respect to the Dividends upon Stocks, Funds, and Securities transferred to the said Commissioners in the Manner therein mentioned; and it shall be lawful for the Governor or Deputy Governor for the Time being of the Bank of *England*, or for the High Court of Chancery, to direct the Payment of such Dividends to any Persons or Person claiming to be entitled thereto, in the same Manner in all respects as is by the said Act directed with respect to the Stocks, Funds, and Securities transferred to the said Commissioners as therein mentioned.

Payment of such Dividends to Claimants to be directed as in other Cases.

Notice to be given by Advertisement before Re-transfer or Payment of any Stock or Dividends to any Claimant.

II. And be it enacted, That no Re-transfer of any Capital Stock exceeding the Sum of Twenty Pounds, or of any Terminable Annuities exceeding One Pound *per Annum*, shall be made from the Account of the said Commissioners, under the Authority of the said recited Act, to any Persons or Person, nor shall Payment be made under the Authority of the said recited Act, or of this Act, of any Dividends or Dividend exceeding Twenty Pounds in the whole, until Three Calendar Months after Application shall have been made for the same, nor until such Notice shall have been given thereof as the said Governor and Company are herein-after authorized to require; and it shall be lawful for the said Governor and Company to require the Person or Persons making such Application to give such public Notice by Advertisements in One or more Newspapers circulating in *London* and elsewhere, as the said Governor and Company shall think fit; and every such Notice shall state the Name, Description, and Addition of the Person in whose Name the unclaimed Stock or Dividends stood when transferred to the said Commissioners, and the Amount thereof, and the Name of the Claimant, and the Time at which such Re-transfer or Payment will be made if no other Claimant shall sooner appear and make out his Claim; and when and so often as any such Stock shall be directed to be transferred, or such Dividends to be paid, by any Order of the High Court of Chancery, such Notice shall also state the Purport or Effect of such Order.

Application may be made to Court of

III. And be it enacted, That it shall be lawful for any Persons or Person, at any Time before the actual Re-transfer of any such

Capital Stock or Annuities, or before Payment of any such Dividends to any such Claimant as aforesaid, to apply to the Court of Chancery by Motion or Petition to rescind, alter, or vary any Order made for such Transfer or Payment.

Chancery to rescind Order for Transfer, &c.

IV. And whereas, under and in pursuance of an Act passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for placing the Stock called* East India *Annuities under the Management of the Governor and Company of the Bank of* England, *and ingrafting the same on the Three Pounds* per Centum *Reduced Annuities, in redemption of a Debt of Four millions two hundred thousand Pounds owing by the Public to the* East India *Company; and for enabling the said Company to raise a Sum of Money by a further Increase of their Capital Stock, to be applied in discharge of certain Debts of the said Company*, certain Annuities payable out of the public Revenue, and theretofore granted to the *East India* Company, and then held partly by the said *East India* Company, and partly by various Persons to whom the last-named Company had assigned the same, were converted into Three Pounds *per Centum* Reduced Annuities, transferrable at the Bank of *England*, and the Dividends then remaining unclaimed in respect of such *East India* Annuities were paid over to the said Governor and Company of the Bank of *England*: And whereas the said Governor and Company have now in their Hands the Sum of Three thousand six hundred and sixty-three Pounds Thirteen Shillings and Eight-pence, Part of such last-mentioned unclaimed Dividends, which have continued unclaimed for upwards of Forty Years; be it enacted, That the said Governor and Company shall forthwith after the passing of this Act pay the said Sum of Three thousand six hundred and sixty-three Pounds Thirteen Shillings and Eight-pence to the Account of the said Commissioners for Reduction of the National Debt; and the same shall thenceforth be and remain subject to the Claims and Demands of the Proprietors of the Stock in respect whereof the said Dividends accrued, in such and the same Manner as if the same had been paid over under the Provisions of the said recited Act of the Fifty-sixth Year of King *George* the Third; and the said Governor and Company shall be indemnified from all Claims and Demands in respect thereof.

The Sum of 3663*l.* 13*s.* 8*d.* arisen from unclaimed Dividends on East India Annuities to be paid to Commissioners for the Reduction of the National Debt.

V. And be it enacted, That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the Time being, from Time to Time, and at any Time, to authorize and empower the said Governor and Company of the Bank of *England* to inquire into and investigate the Circumstances of any Stocks, Funds, Annuities, or Dividends remaining unclaimed for the Time being, with a view to ascertain the Owners thereof, and to allow to the said Governor and Company such Compensation as to the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, shall seem just, for their Trouble and Expences to be incurred in and about such Inquiries and Investigation, and also from Time to Time to allow to the said Governor and Company a reasonable Compensation for all Costs and Expences to be incurred by them in and about the Notices and Advertisements hereby directed, and other

Lords of the Treasury may authorize Inquiries into the Circumstances of unclaimed Stocks and Dividends.

Payment of Expences, &c.

other the Services required or authorized by this Act, which Compensation may be deducted rateably from the Stocks and Dividends to be from Time to Time re-transferred or paid, and with reference to which such Trouble, Costs, and Expences shall have been incurred, and such Services performed respectively, or the same may be paid by the said Commissioners for the Reduction of the National Debt out of the Stocks and Dividends to be received by them under and by virtue of the said first-recited Act or this Act, and which shall not be claimed.

Interpretation of Act.

VI. And be it enacted, That the Word "Stocks" in this Act shall extend to any Stocks, Funds, or Annuities which now are or at any Time hereafter shall be transferrable at the Bank of *England*; and that, except where the Sense or Context is repugnant to such Construction, the Plural Number in this Act shall be construed to include the Singular, and the Masculine Gender to include the Feminine.

Alteration of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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Commissioners for the Time being of Her Majesty's Treasury: And whereas it is essential to the Prosecution of such Geological Survey that the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should have as ample Powers for making and completing the same as the Master General and Board of Ordnance possess for making and completing Surveys in charge of the said last-mentioned Board: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, for the Purpose of making and completing a Geological Survey of the United Kingdom, or any Part thereof, it shall be lawful for any Surveyor or other Person appointed by or acting under the Orders of the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and for any Person assisting or employed by any Surveyor or other Person so appointed or acting under such Orders as aforesaid, and they are hereby respectively authorized and empowered, from Time to Time, after Notice in Writing of the Intention of entering shall have been given to the Owner or Occupier, as the Case may be, to enter into and upon the Land of any Owner or Person whomsoever, for the Purpose of making and carrying on any Geological Survey authorized by the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and to break up the Surface of any Part of such Land for the Purpose of ascertaining the Rocks, Strata, or Minerals within or under the same, and to take and carry away Specimens of the Rocks, Strata, or Minerals found therein, and to fix any Post, Stone, Mark, or Object to be used in the Survey in any such Land (except as herein-after mentioned), and to dig up any Ground for the Purpose of fixing any such Post, Stone, or Mark, and also to enter into or upon any Land through which any such Surveyor or other Person so appointed or acting or employed as aforesaid shall find it necessary to pass for the Purposes of such Survey, at any reasonable Time in the Day, until the Survey shall be completed: Provided always, that it shall not be lawful for any such Surveyor or other Person appointed or acting or employed as aforesaid to fix any Object, Post, Stone, or Mark within any walled Garden, Orchard, or Pleasure Ground, without the Consent of the Owner or Occupier thereof: Provided also, that such Surveyor or other Persons so appointed or employed as aforesaid shall do as little Damage as may be in the Execution of the several Powers to them granted by this Act, and shall make Satisfaction to the Owner or Occupier, as the Case may require, of such Land, or the Owner of any Trees which shall be in any way injured, for all Damages to be sustained in the Execution of any of the Powers of this Act, in case the same shall be demanded; and in case of Dispute between the said Surveyor or other Persons appointed or employed as aforesaid, on the one hand, and the Owner or Occupier, as the Case may be, on the other hand, as to the Amount of Damage sustained, the same shall be ascertained and determined by any Two or more Justices of the Peace, in Petty Sessions assembled, of the County in which the Lands or Trees may be situate.

Power to enter Lands, break Surface, and affix Marks.

Satisfaction to be made for Damage.

II. And

Penalty on obstructing Survey or removing Marks.

II. And be it enacted, That if any Person shall resist or wilfully obstruct or hinder any Surveyor or other Person employed or assisting in the Execution of any Survey under the Provisions of this Act, or shall take away or displace, or wilfully deface or destroy, any Stone, Post, Mark, or Object which shall be set up and placed for the Purposes of any such Survey, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, in the Discretion of the Justices before whom such Offender shall be convicted.

Damages how to be paid.

III. And be it enacted, That all Damages awarded or agreed to be paid to any Owner or Occupier of Land, or Owner of Trees, for any Injury sustained under the Provisions of this Act, shall be paid out of any Aids granted by Parliament for making or completing a Geological Survey of the United Kingdom.

Recovery of Penalties.

IV. And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act may be recovered in a summary Way by the Order and Adjudication of any Two Justices of the Peace for the County or Place in which such Penalty shall be incurred, on Complaint to them for that Purpose exhibited, and shall afterwards be levied, as well as the Costs of Proceedings for the Recovery thereof, in case of Nonpayment, by Distress, Poinding, or other legal Process, and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant of such Justices; and such Justices are hereby authorized and empowered to summon before them any Witness, and to examine such Witness upon Oath or Affirmation of and concerning all Offences, Penalties, and Forfeitures under this Act, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant or other legal Process shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner of the Goods or Chattels so seised or distrained; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, or Poinding, or other legal Process, unless the Offender shall give Security, to the Satisfaction of such Justices, for his Appearance before such Justices on such Day as shall be appointed for the Return of such Warrant of Distress, or Poinding, or other legal Process, such Day not being more than Seven Days from the Time of taking any such Security, and which Security the said Justices are hereby empowered to take, by way of Recognizance, Caution, or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justices and they are hereby authorized and required, by Warrant under their Hands and Seals, to cause such Offender to be committed to the Gaol of such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Penalties or Forfeitures respectively, and all reasonable Charges, shall be sooner

paid

paid and satisfied; and such Penalties and Forfeitures, when so levied, shall be paid and applied to the Use of any Infirmary or charitable Institution in the County in which such Offence shall be committed, in such Manner as such Justices respectively shall direct and appoint.

Plea of General Issue.

V. And be it enacted, That if any Person shall be sued or prosecuted for any thing done or executed in pursuance of this Act, or of any Clause, Matter, or Thing therein contained, such Person may plead the General Issue, and give the special Matter in Evidence for his Defence.

Interpretation of Act.

VI. And be it enacted, That in construing this Act the Word "County" shall be taken to include Hundred, City, Borough, Town, Townland, Parish, Burghs, Royal Parliamentary Burghs, Burghs of Regality and Barony, extra-parochial and other Places, Districts, and Divisions, by whatsoever Denomination the same respectively shall be known or called; the Word "Justices" shall include all Persons acting in the Commission of the Peace for any County so interpreted as aforesaid, Sheriffs or Stewards of Counties or Stewartries in *Scotland*, and the Sheriff and Court of Deemsters of the *Isle of Man*; the Word "Owner" shall include all Bodies Politic, Corporate, or Collegiate, and all Persons entitled to any Estate or Interest in possession; and the Word "Land" shall extend to Lands, Grounds, Hereditaments, and Heritages, of any Tenure or Description; and every Word importing the Singular Number shall, when necessary to give full Effect to the Enactments herein contained, be deemed to extend and be applied to several Persons or Things as well as one Person or Thing; and any Words importing the Plural Number only shall include the Singular Number; and every Word importing the Masculine Gender shall, when necessary, extend and be applied to a Female as well as a Male.

Alteration of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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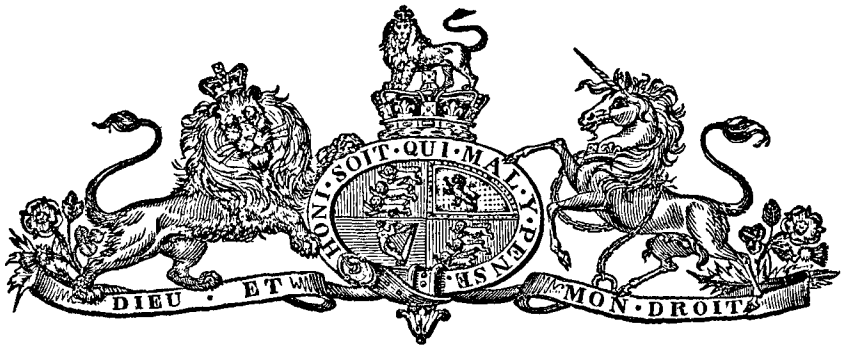

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Spirits in any other Manner, granted after the passing of this Act, to any such Grocer or Person so licensed as aforesaid, shall be wholly null and void to all Intents and Purposes whatsoever:" And whereas it is expedient that so much of the said Act as is above recited should be repealed, and that all Excise Licences to Persons in *Ireland* to deal in or sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, or to retail Spirits in the House or on the Premises of such Retailer, or to be consumed elsewhere than in the House or on the Premises where sold, should be granted in the same Manner and at the same Rates of Duty as if so much of the said Act as is above recited had not been enacted: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act so much of the said Act as is above recited shall be repealed; and that the Excise Licence to Persons in *Ireland* trading in or selling Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, and the Excise Licence to Persons in *Ireland* to be Retailers of Spirits, not being Retailers of Spirits after mentioned, to be drunk or consumed in or upon the House or Premises where sold, and the Excise Licence to Retailers of Spirits in *Ireland*, being duly licensed to trade in, vend, and sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, and not selling Spirits in any greater Quantity at One Time than Two Quarts, or any Spirits to be consumed in the House or on the Premises of such Retailer, shall be severally granted in like Manner and at the same Rates of Duty respectively, and under the same Regulations, as the same are respectively applicable thereto and directed by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences*, and by another Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Sale of Wine, Spirits, Beer, and Cider by Retail in* Ireland, and by the said Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, save and except so much of the said last-mentioned Act as is above recited and hereby repealed, and by another Act of the Second and Third Years of the Reign of Her Majesty, intituled *An Act for the better Prevention of the Sale of Spirits by unlicensed Persons in* Ireland, and by another Act of the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence in* Ireland.

So much of the Act as is recited repealed, and all Excise Licences for the Retail of Spirits in Ireland to be granted as if such Regulation had not been enacted.

6 G. 4. c. 81.

3 & 4 W. 4. c. 68.

2 & 3 Vict. c. 79.

7 & 8 Vict. c. 82.

Justices of the Peace, Constables, or Overseers authorized to enter the Houses of

II. And whereas the said Act passed in the Sixth Year of the Reign of King *George* the Fourth, and the Licence therein mentioned to Retailers of Spirits in *Ireland*, being duly licensed to trade in, vend, and sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, and not selling Spirits in any greater Quantity at One Time than Two

Quarts, or any Spirits to be consumed in the House or on the Premises of such Retailer, require that the Spirits sold under such Licence shall be consumed elsewhere than in the House or on the Premises of such Retailer; be it enacted, That from after the passing of this Act it shall be lawful for any Justice of the Peace, or any chief or other Constable, or Overseer, within the Limits of his Jurisdiction, to enter into any House or Place kept by such Retailer as aforesaid for selling Spirits or any other Article, at any Time or Hour at which such House or Place is kept open for any such Sale as aforesaid; and if any such Retailer, on demand of Entrance by any such Justice, chief or other Constable, or Overseer, opposes or obstructs such Entrance, or delays to admit such Justice, chief or other Constable, or Overseer, into any such House or Place, or if such Retailer is found selling Spirits by Retail to be consumed in such House or Place, or harbouring any Person who appears to be or to have recently been drinking or tippling Spirits therein, such Retailer, over and above every other Penalty he incurs, shall forfeit and pay the Sum of Two Pounds, to be sued for and recovered as any other Penalty under the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, and subject to the several Provisions in the said recited Act in that Behalf; and on due Conviction of any such Offence as aforesaid the Licence of such Retailer shall become forfeited.

Persons licensed to retail Spirits to be consumed elsewhere than on the Premises.

III. And whereas by the said Act of the Third and Fourth Years of the Reign of His said Majesty King *William* the Fourth Persons in *Ireland* applying for an Excise Licence to sell Spirits to be consumed in the House or upon the Premises where sold are required to enter into a certain Bond to Her Majesty, Her Heirs and Successors, conditioned as therein mentioned; be it enacted, That such Bond shall not be subject or liable to the Payment of any Stamp Duty whatever, any thing in any Act or Acts to the contrary notwithstanding.

Bond required of Spirit Retailers by the 3 & 4 W. 4. c. 68. not to be subject to Stamp Duty.

IV. And be it enacted, That this Act, where it is not otherwise specified, shall be deemed to have commenced and shall take effect from the Fourth Day of *July* in this present Year.

Commencement of Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Alteration of Act.

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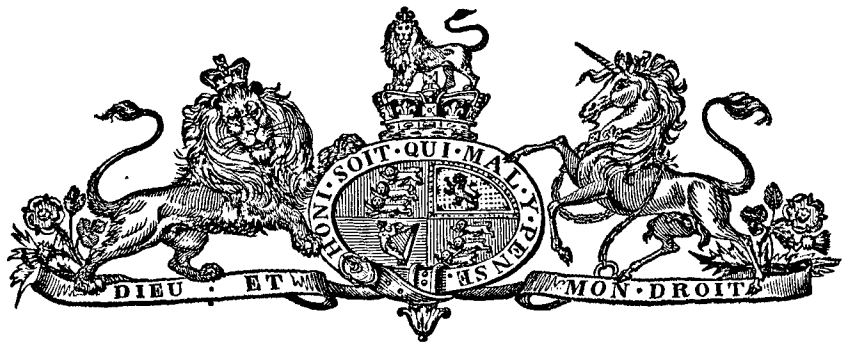

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but by reason of the Duty of Excise on Malt, being Materials from which such Spirits are made, and of the Duty of Excise on Licences to Distillers and Makers of Malt and Spirits, the Duties before mentioned cannot be taken as fair countervailing Duties on the like Spirits the Produce or Manufacture of the said Islands imported into any of the Parts of the United Kingdom aforesaid, and it is necessary therefore to determine the same: And whereas plain *British* Spirits, when imported from one of the said Parts of the United Kingdom into another, must be removed under the Provisions of the Laws of Excise, and subject, when so removed, to be dealt with in all respects as if the same had been distilled in the Country into which the same have been so removed: And whereas Spirits denominated *British* Brandy and *British* Compounds, distilled or made in any Part of the United Kingdom, cannot be so removed, and there are no Duties of Excise payable thereon on which any countervailing Duty can be fairly estimated: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the countervailing Duties to be charged on all Spirits of the Nature or Quality of plain *British* Spirits, manufactured or distilled in the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, and imported from any of the said Islands into the United Kingdom, shall be as follows; (that is to say,)

Countervailing Duties imposed by this Act.

For and upon every Gallon of such Spirits of the Strength of Hydrometer Proof, as ascertained by *Sikes'* Hydrometer, imported into *England*, the Sum of Nine Shillings, and so in proportion for any greater Degree of Strength, or any greater or less Quantity:

For and upon every Gallon of such Spirits of the like Strength imported into *Scotland*, the Sum of Four Shillings and Ten-pence, and so in proportion for any greater Degree of Strength or any greater or less Quantity:

For and upon every Gallon of such Spirits imported into *Ireland*, the Sum of Three Shillings and Ten-pence, and so in proportion for any greater Degree of Strength or any greater or less Quantity.

Duties to be under the Management of the Commissioners of Excise.

II. And be it enacted, That the said several countervailing Duties shall be under the Management of the Commissioners of Excise, and shall be collected, paid, and accounted for as Duties of Excise, and in the same Manner as any Duties of Excise now imposed on plain *British* Spirits manufactured in *England*, *Scotland*, or *Ireland* respectively, and removed from any one of the said Parts of the United Kingdom into any other, are directed to be collected, paid, and accounted for when made payable in that Part of the United Kingdom into which such Spirits are so removed, under any Law or Laws of Excise; and the general and special Provisions, Clauses, Enactments, Regulations, Pains, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise shall, so far as the same are applicable thereto, be applied to the Collection and Management of the said countervailing Duties and to this Act.

III. And

III. And be it enacted, That all Spirits of the Nature or Quality of plain *British* Spirits, manufactured in any of the Islands aforesaid, and imported into any Part of the United Kingdom, shall be denominated plain *British* Spirits, and shall be imported only under such Denomination, and at the like Strength, and in Casks of the same Size, and Vessels of the same Tonnage, as the like Spirits manufactured in *England*, *Scotland*, or *Ireland* may be removed from one of the said Parts of the United Kingdom into another; and the said Spirits, when so imported from any of the said Islands, shall, upon such Importation, and before landing, be entered under the like Denomination with the proper Officer of Excise at the Port at which such Spirits are imported, subject to the Provisions aforesaid, and under the like Regulations, Pains, Penalties, and Forfeitures as are imposed in such respect on plain *British* Spirits under any Law or Laws of Excise, and subject to the several Provisions, Clauses, and Enactments (except so far as altered by this Act) of any Law or Laws of the Customs respecting the Declaration and Certificate of Produce, and other Regulations required by the said last-mentioned Laws to be observed respecting Goods the Produce or Manufacture of any of the said Islands, and imported into any Part of the United Kingdom, and respecting such Goods when subject to any countervailing Duties or Regulations of Excise; and all such Spirits so imported shall, on Arrival in *England*, *Scotland*, or *Ireland* respectively, be dealt with in all respects as if the same had been distilled and made in the Country into which the same have been so imported, and shall be removed by Permit as Spirits of the like Kind or Denomination are directed to be removed by Permit under the Laws of Customs and Excise; and the Person or Persons to whom the same are sent for Sale shall have the same Privileges, and be subject to the like Licences, Regulations, and Penalties in respect of such Spirits, as Rectifiers, Dealers in and Retailers of Spirits in the Country into which such Spirits have been imported, and as if such Spirits had been distilled in the same.

Spirits of the Nature of plain British Spirits, manufactured in the Islands, and imported into the United Kingdom, to be denominated plain British Spirits, and imported under the same Regulations of Excise as Spirits removed from Scotland or Ireland, &c.

When so imported to be dealt with as Spirits the Manufacture of that Part of the United Kingdom into which imported.

IV. And be it enacted, That no Spirits of the Produce or Manufacture of any of the said Islands, and imported into any Part of the United Kingdom, shall be deemed or taken to be plain *British* Spirits under this Act, unless the same are made and distilled from the same Materials as the like Spirits are directed to be made when distilled in the United Kingdom; (*videlicet*,) Malt, Corn, or Grain, or any Mixture thereof, or Sugar only, or Potatoes only, or Mangel-wurzel only; and the Declaration and Certificate of Produce required by the Laws of the Customs shall specify the particular Materials aforesaid from which such Spirits have been manufactured; and in case any Dispute arises thereupon, the Proof that such Spirits have been made and distilled from such Materials as aforesaid shall lie upon the Importer, Owner, or Claimer thereof; and if any such Declaration or Certificate as aforesaid is found to be false in any of the Particulars aforesaid, or in any Particular therein mentioned, and required to be inserted therein by the Laws of the Customs, all the Spirits imported thereon, or to which such Declaration or Certificate relates, shall be forfeited, and may be seized by any Officer of Customs or Excise.

Plain Spirits the Manufacture of the Islands aforesaid to be made from the same Materials as in the United Kingdom.

The Declaration and Certificate of Produce to certify the same, under Pain of Forfeiture for any false Certificate.

V. And

Spirits of the Nature of British Brandy or Compounds, the Manufacture of any of the said Islands, prohibited to be imported.

V. And be it enacted, That no Spirits of the Nature or Quality of *British* Brandy or *British* Compounds, or any Spirits other than plain *British* Spirits as the same are respectively denominated and described in the Laws of Excise and by this Act, the Produce or Manufacture of any of the said Islands, shall be imported into any Part of the United Kingdom, on pain of the Forfeiture thereof, and of all Casks or other Packages, and of the Vessel or Boat, used in the Removal or Importation thereof, which may be seized by any Officer of Customs or Excise; and the Importer thereof, and every Person concerned therein, shall for every such Offence incur the Penalty of One hundred Pounds; and all such Penalties and Forfeitures may be sued for, recovered, and applied as any other Penalties or Forfeitures under any of the Laws of the Customs or Excise.

All Channel Island Spirits may be entered to be warehoused for Exportation.

VI. And be it enacted, That any Spirits of the Produce or Manufacture of any of the Islands aforesaid may, if imported for Exportation only, be imported into the United Kingdom, to be entered and warehoused for Exportation only, under the Provisions of any Law or Laws of the Customs in force for the Time being made for the warehousing of Goods without Payment of Duty upon the first Entry thereof.

Act to commence from 8th August as to all prohibited Spirits which have been imported since that Date and are now in bond.

VII. And be it enacted, That this Act shall be deemed to have commenced and shall take effect from and after the Eighth Day of *August* One thousand eight hundred and forty-four, for and in respect of all Spirits of the Nature or Quality of *British* Brandy or *British* Compounds, or other Spirits than plain *British* Spirits as denominated and described in the Laws of Excise and by this Act, the Produce or Manufacture of any of the said Islands, which have been imported at any Time subsequent to the above Date, and are now in Bond or Customs Warehouse, in so far that no such Spirits shall be removed or admitted into Consumption in any Part of the United Kingdom on Payment of any countervailing Duty or otherwise but the same may be exported from the United Kingdom or otherwise, as the Commissioners of Her Majesty's Treasury may in that respect direct.

Alteration of Act.

VIII. And be it enacted, That this Act may be amended or repealed by any Act or Acts to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXVI.

An Act to enable Her Majesty to endow new Colleges for the Advancement of Learning in *Ireland*. [31st *July* 1845.]

FOR the better Advancement of Learning among all Classes of Her Majesty's Subjects in *Ireland*, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case Her Majesty shall be pleased by Letters Patent under the Great Seal of *Ireland* to found One or more new Colleges for the Advancement of Learning in *Ireland*, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being shall be empowered, by Warrant under the Hands of any Three or more of them, to charge the Consolidated Fund of the said United Kingdom (after providing for all preceding Charges, and in preference to all future Charges), and to direct to be issued or paid thereout, such Sum of Money as shall be needed by the Trustees herein-after mentioned for purchasing or providing Lands, Tenements, and Hereditaments for the Use of such College or Colleges, and for the necessary Buildings, with the Appurtenances thereof, and for establishing and furnishing the same, not exceeding the Sum of One hundred thousand Pounds in the whole.

Grant of 100,000*l.* out of the Consolidated Fund for building new Colleges in Ireland.

II. And

Commissioners of Public Works to be Trustees for providing Buildings and Lands necessary for the Colleges.

II. And be it enacted, That the Commissioners of Public Works in *Ireland* for the Time being shall be Trustees for the Purpose of purchasing or providing, as herein-after mentioned, any Buildings, Lands, Tenements, or Hereditaments that may be necessary for the said Colleges and the Sites thereof, and the Premises to be occupied therewith respectively, and for erecting thereon suitable Buildings, and for repairing, enlarging, and improving the same from Time to Time, and for upholding and furnishing the same from Time to Time, for the Use of the said Colleges respectively.

Commissioners of Public Works to be a Corporation for the Purposes of this Act.

III. And be it enacted, That for the Purposes of this Act the said Commissioners of Public Works in *Ireland* for the Time being, and their Successors, shall be a Corporation by the Name or Style of "The Commissioners of Public Works in *Ireland*," and by that Name, for the Purposes of this Act, shall have perpetual Succession and a Common Seal, to be by them made, and from Time to Time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all Courts and before all Justices and others, and in that Capacity shall be deemed Promoters of the Undertaking authorized to be executed by this Act.

Power to Commissioners of Public Works to purchase or rent Buildings, Lands, &c. which may be required for said Colleges.

IV. And be it enacted, That in order to enable the said Commissioners of Public Works in *Ireland* to purchase and provide the Buildings, Lands, Tenements, and Hereditaments which may be required for the said Colleges and the Sites thereof, it shall be lawful for the said Commissioners, with the Approval of the Commissioners of Her Majesty's Treasury, to contract and agree with any Person or Persons, or Body or Bodies Corporate, for the Purchase or renting of any Buildings, Lands, Tenements, or Hereditaments required for such Colleges or the Sites thereof, and also for the Purchase of any subsisting Leases, Terms, Estates, or Interests therein or Charges thereon; and the Buildings, Lands, Tenements, or Hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to or in trust for Her Majesty, Her Heirs and Successors, in such Manner and Form as the said Commissioners of Her Majesty's Treasury shall direct.

Consolidation of Lands Clauses Consolidation Act with this Act.

V. And be it enacted, That the "Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act, except the Clauses with respect to the Purchase and taking of Lands otherwise than by Agreement: Provided always, that all things by the said Act required or authorized to be done by the Promoters of the Undertaking may be done by any Two of the Commissioners of Public Works in *Ireland*, subject to the Approval of the Commissioners of Her Majesty's Treasury in the Cases provided by this Act.

Commissioners of Public Works to obtain Surveys, Plans, and Specifications, and submit same to Treasury.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Public Works, if they shall be so directed by the Commissioners of Her Majesty's Treasury, to employ the County Surveyor, or any other competent Surveyor or Architect, to make a Survey and Estimate of any of the said proposed Works, and to prepare such Plan, Section, or Specification thereof as may be necessary, and send the same to the Commissioners of Her Majesty's Treasury

for their Approval; and if the said Commissioners of Her Majesty's Treasury shall think fit to authorize the Work in any such Plan, Section, or Specification, or any Modification thereof which they may think proper, to be undertaken, they shall, by Warrant under their Hands, direct the said Commissioners of Public Works to execute such Work at and for an Amount not exceeding a Sum to be specified in such Warrant; and the said Commissioners of Public Works shall, upon Receipt of such Warrant, forthwith cause the Construction of the Work mentioned therein to be proceeded with.

Commissioners of Public Works to lay Accounts before Parliament.

VII. And be it enacted, That the said Commissioners of Public Works shall cause detailed Accounts in Writing of their Proceedings under this Act, of the several Sums received by them as such Commissioners for the Purposes of this Act, and of the Sums expended by them for such Purposes, and the Mode of such Expenditure, and the several Works made or in progress under this Act, to be made up to the Thirty-first Day of *December* in each Year; and such Accounts shall be laid before both Houses of Parliament within Six Weeks thereafter, if Parliament be then sitting, or if not, then within Six Weeks after the first Meeting of Parliament subsequent to the Thirty-first Day of *December*; and the said Commissioners shall, as often as they shall be required so to do by the Commissioners of Her Majesty's Treasury, transmit to the said Commissioners of the Treasury like Accounts made up to such Period as the said Commissioners of the Treasury shall direct; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to give such Directions as they shall think proper, defining the Duties of the said Commissioners of Public Works in the Execution of this Act; and the said Commissioners of Public Works shall observe all such Directions as aforesaid which shall from Time to Time be signified to them by the said Commissioners of Her Majesty's Treasury.

Proceedings in Actions by and against the Commissioners of Public Works. 1 & 2 W. 4. c. 33.

VIII. And be it enacted, That the several Enactments contained in an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, which affect or relate to any Action or Suit to be commenced against the Commissioners for the Execution of the last-recited Act, or their Secretary, or any Person or Persons, for any thing done by virtue of or in pursuance of the last-recited Act, or any Proceedings in any such Action or Suit, or any Limitation of Time for the commencing thereof, or any Costs thereof, or any Evidence to be given therein, or any Notice of Action or Suit or Satisfaction or Tender thereof, or any Action or Suit to be commenced by the said Commissioners, or any Proceedings therein, or the said Commissioners suing or being sued in the Name of their Secretary, or any Abatement or Discontinuance of any such Action or Suit, or to the Court in which, or to the Terms or Conditions on which, any such Action or Suit shall be brought against the said Commissioners, collectively or individually, or their Secretary, shall be held to apply to and extend to any Action or Suit to be commenced against the Commissioners of Public Works in *Ireland*, or their Secretary, or any Person or Persons, for any thing done by virtue of or in pursuance of this Act, or to any Proceedings in any such Action or Suit, or to the Limitation

ation of Time for the commencing thereof, or to any Costs thereof, or to any Notice of any such Action or Suit, or to any Evidence to be given therein, or to any Action or Suit to be commenced by the said Commissioners of Public Works in the Execution of this Act, or on account of or in pursuance of this Act, or to any Proceedings in any such Action or Suit, or to the said Commissioners suing or being sued in the Name of their Secretary for the Time being, or to any Abatement or Discontinuance of any such Action or Suit, or to the Court in which or to the Terms or Conditions on which any such Action or Suit shall be brought against the said Commissioners of Public Works, collectively or individually, or against their Secretary.

Restraint on Alienation of Property.

IX. And be it enacted, That it shall not be lawful for any College within the Provisions of this Act to alien, mortgage, charge, or demise any Lands, Tenements, or Hereditaments to which it may become entitled, unless with the Approval of the Commissioners of Her Majesty's Treasury, except by way of Lease for any Term not exceeding Thirty-one Years from the Time when such Lease shall be made, in and by which there shall be received and made payable, during the whole of the Term thereby granted, the best yearly Rent that can reasonably be gotten for the same, without any Fine or Foregift.

Her Majesty to be Visitor of the new Colleges.

X. Provided always, and be it enacted, That no College shall be entitled to the Benefit of this Act, or deemed to be within the Provisions thereof, unless it be declared and provided, in and by the Letters Patent constituting such College, that the Visitor or Visitors of the said College shall be such Person or Persons as it shall please Her Majesty, Her Heirs and Successors, from Time to Time to appoint, by any Warrant or Warrants under the Sign Manual, to execute the Office of Visitor; and that all the Statutes, Rules, and Ordinances concerning the Government and Discipline of such Colleges shall be made or approved by Her Majesty, Her Heirs and Successors; and that the President, Vice President, and Professors shall hold their several Offices during the Pleasure of Her Majesty, Her Heirs and Successors; and that the sole Power of appointing the President and Vice President shall be vested in Her Majesty, Her Heirs and Successors, and that the Power of appointing the Professors shall be vested in Her Majesty, Her Heirs and Successors, until the End of the Year One thousand eight hundred and forty-eight, and afterwards as shall be otherwise provided by Parliament, or in default of any Provision to the contrary, in Her Majesty, Her Heirs and Successors.

Statutes made for the Dicipline of the Colleges to be laid before Parliament.

XI. And be it enacted, That all the Statutes, Rules, and Ordinances which shall be made or approved from Time to Time by Her Majesty, Her Heirs and Successors, concerning the Government and Discipline of the said Colleges respectively, which shall be in force at the Beginning of every Session of Parliament, and which shall not have been before that Time laid before Parliament, shall from Time to Time, within Six Weeks after the Beginning of every such Session, be laid before both Houses of Parliament by one of Her Majesty's Principal Secretaries of State.

XII. And

Grant of 21,000*l.* annually out of Consolidated Fund for endowing new Colleges.

XII. And be it enacted, That the said Commissioners of Her Majesty's Treasury shall be empowered, by Warrant under the Hands of any Three or more of them, to charge the said Consolidated Fund of the said United Kingdom (after providing for all preceding Charges, but having Preference for all future Charges), and to direct to be issued or paid thereout by Four equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, such Sums of Money as shall be needed for defraying the several Stipends which shall be by Her Majesty appointed to be paid to the President and Vice President and to such Professors in the several Faculties of Arts, Law, and Physic as shall be from Time to Time established by Her Majesty, Her Heirs and Successors, and to the Bursar, Registrar, Librarian, and other Office Bearers and Servants in each of the said Colleges, and for defraying the Expence of such Prizes and Exhibitions as shall be by Her Majesty, Her Heirs and Successors, awarded for the Encouragement and Reward of Students in each of the said Colleges, not exceeding in any One Year the Sum of Seven thousand Pounds for every such College, or the Sum of Twenty-one thousand Pounds in the whole, the first Instalment for each College to become due and payable on such of the said quarterly Days of Payment as shall first happen next after the Grant of the Letters Patent for the Establishment of such College.

Fees may be taken in addition to Stipends, and for the Benefit of the College.

XIII. And be it declared and enacted, That it shall be lawful for the Professors in each of the said Colleges, in addition to the Stipends with which they shall be so respectively endowed, to demand and receive from the Students in the said Colleges such reasonable Fees for Attendance on their Lectures, and for the Bursar of the College to collect from the said Students, on behalf of the said College, such reasonable Fees for Matriculation and other Collegiate Proceedings, as shall be from Time to Time provided by the Statutes, Rules, and Ordinances so to be made or approved by Her Majesty, Her Heirs and Successors, as aforesaid.

Lecture Rooms to be assigned for religious Instruction.

XIV. And for the better enabling every Student in the said Colleges to receive religious Instruction according to the Creed which he professes to hold, be it enacted, That it shall be lawful for the President and Professors or other governing Body of each of the said Colleges which shall be constituted in and by the said Letters Patent to assign Lecture Rooms within the Precincts of such College, wholly or in part, for the Use of such religious Teachers as shall be recognized by such governing Body, subject in each Case to the Approval of Her Majesty, Her Heirs and Successors, and also, subject to the like Approval, to make Rules concerning the Days and Times when such religious Instruction shall be given therein, and for securing that the same shall not interfere with the general Discipline of the College; Provided always, that no Student shall be compelled by any Rule of the College to attend any theological Lecture or religious Instruction other than is approved by his Parents or Guardians, and that no religious Test shall be administered to any Person in order to entitle him to be admitted a Student of any such College, or to hold any Office therein, or to partake of any Advantage or Privilege thereof;

thereof; but this Proviso shall not be deemed to prevent the making of Regulations for securing the due Attendance of the Students for Divine Worship at such Church or Chapel as shall be approved by their Parents or Guardians respectively.

Where Students shall dwell.

XV. And for the better Government of the Students in the said Colleges, be it enacted, That no Student shall be allowed to continue in any of the said Colleges unless he shall dwell with his Parent or Guardian, or with some near Relation or Friend selected by his Parent or Guardian and approved by the President of the College, or with a Tutor or Master of a Boarding House licensed by the President of the College as herein-after provided, or in a Hall founded and endowed for the Reception of Students and recognized by the College as herein-after provided.

Licence of Tutors and Masters of Boarding Houses.

XVI. And be it enacted, That every Person who is desirous of being licensed as a Tutor or Master of a Boarding House in any of the said Colleges shall apply in Writing under his Hand to the President of the College for his Licence; and it shall be lawful for the President, if he shall think fit, to require of any such Applicant such Testimonials of Character and Fitness for the Office as shall be satisfactory to him; and the Application shall specify the House or Houses belonging to or occupied by the Applicant, and intended by him for the Reception of Students, and the Number of Students who may be conveniently lodged and boarded therein, and also the Provision or Regulation proposed to be made for securing to the said Students the Means of due Attendance upon such religious Instruction and Divine Worship as may be approved by his Parents and Guardians and recognized by the governing Body of the College, and thereupon it shall be lawful for the President, in his Discretion, to grant or withhold the Licence for the academical Year then current or then next ensuing; and every such Licence shall be registered in the Archives of the College, and shall enure until the End of the academical Year in which it shall be registered, and shall then be of no Force unless renewed in like Manner, but shall be revocable at any Time, and may be forthwith revoked by the President of the College in case of any Misbehaviour of such Tutor or Master of a Boarding House, or of the Students under his Care, which in the Opinion of the President and a Majority of the Professors of the College ought to be punished by immediate Revocation of such Licence.

Endowment of Halls for Students.

XVII. And be it enacted, That it shall be lawful for any Person whomsoever having Power to make an absolute Disposition thereof to give, grant, devise, bequeath, or assure, by any Deed, Will, or other Instrument sufficient in Law to create or convey an Estate therein, any Messuages, Lands, Tenements, and Hereditaments, or any Estate therein, or any Interest arising thereout, or any Money, Chattels, and Effects, to any Trustee or Trustees willing to accept the Trust, or to the Commissioners of Charitable Donations and Bequests in *Ireland* and their Successors, in trust for founding and endowing Halls for the Reception of Students in any of the said Colleges, and by such Deed, Will, or Instrument to establish Rules or to specify the Authority for establishing Rules to be observed by the

Students admitted to the Benefits of such Foundation, and to specify the Authority by which the Observance of such Rules is to be enforced: Provided always, that no such Hall shall be recognized by any of the said Colleges unless the Instrument of Foundation shall provide that such Rules, and also the Appointment from Time to Time of the Principal or other Person holding chief Authority in such Hall, shall be of no Force until allowed by the Person or Persons appointed or to be appointed as aforesaid by Her Majesty, Her Heirs and Successors, to execute the Office of Visitor of the said College.

Commissioners of Public Works may make Loans to Companies incorporated for founding Halls.

XVIII. And for the Encouragement of Persons willing to found and endow Halls for the Reception of Students in the said Colleges as aforesaid, be it declared and enacted, That if Her Majesty, Her Heirs and Successors, shall be pleased, by Letters Patent under the Great Seal of *Ireland*, to incorporate any Number of Persons willing to found and endow any such Hall or Halls as aforesaid, such incorporated Hall shall be deemed a public Work for the Promotion of which the Commissioners of Public Works in *Ireland* may make Loans within the Meaning of an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, and of all Acts passed or to be passed for the Amendment thereof; and that it shall be lawful for the Commissioners of Public Works in *Ireland* to make Loans to such incorporated Bodies respectively for the Extension and Promotion of such Foundations according to the Provisions of the last-recited Acts.

1 & 2 W. 4. c. 33. 6 & 7 W. 4. c. 108. 7 W. 4. & 1 Vict. c. 21. 6 & 7 Vict. c. 44.

Religious Teachers to be endowed by private Benefactions.

XIX. And be it enacted, That it shall be lawful for any Person whomsoever having Power to make an absolute Disposition thereof to give, grant, devise, bequeath, or assure, by any Deed, Will, or other Instrument sufficient in Law to create or convey an Estate therein, any Messuages, Lands, Tenements, and Hereditaments, or any Estate therein, or Interest arising thereout, or any Money, Chattels, and Effects, to any Trustee or Trustees willing to accept the Trust, or to the Commissioners of Charitable Donations and Bequests in *Ireland*, and their Successors, in trust for establishing and maintaining Lectures or other Forms of religious Instruction for the Use of such Students of the said Colleges respectively as shall be desirous of receiving the same, subject to such Regulations consistent with the Intentions of the Donor thereof, as shall be made by the governing Body of the College, and approved by Her Majesty, Her Heirs and Successors: Provided always, that no such Gift shall take effect until it shall have been accepted by the governing Body of the College, and until Her Majesty, Her Heirs and Successors, shall have signified Her or Their Approval of the Regulations according to which such Gift is to be applied.

Colleges to make Reports to Her Majesty, to be laid before Parliament.

XX. And be it enacted, That every such College which shall be established and endowed under this Act shall once at least in every Year, and also whenever Her Majesty's Pleasure shall be signified in that Behelf, report to Her Majesty their Proceedings; and a Copy of every such Report shall be laid before both Houses of Parliament within

within Six Weeks after the same shall have been made, if Parliament be then sitting, or if not, then within Six Weeks next after the next Meeting of Parliament.

Alteration of Act.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXVII.

An Act for making further Regulations for more effectually securing the Correctness of the Jurors Books in *Ireland*. [31st *July* 1845.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries in* Ireland, containing Directions for making out yearly in every County, County of a City, and County of a Town in *Ireland*, a List or Lists of all Persons qualified and liable to serve on Juries as therein provided, and for copying the same into a Book, to be called "The Jurors Book," and enacting that the Sheriff shall not, in answer to any Writ of Venire facias, or Precept for the Return of Jurors, return the Names of any Persons not contained in the Jurors Book for the then current Year: And whereas it is expedient to make further Regulations for the Purpose of more effectually securing the Correctness of the said Jurors Books: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the following Provision of the said Act, (*videlicet*,) "and when every such List shall be duly corrected by the Justices present at such Special Sessions or Adjournment thereof, and allowed

3 & 4 W. 4. c. 91.

Repeal of Part of Section 9. 3 & 4 W. 4. c. 91.

and

and signed by them or Three of them, they the said Justices shall cause One General List to be made out therefrom, containing the Names of all Persons whose Qualification shall have been so allowed, arranged according to Rank and Property; and the presiding Justices at such Sessions shall deliver the same to the Clerk of the Peace, who shall thereupon cause the same to be truly and fairly copied, in the same Order, in a Book to be by him provided for that Purpose at the Expence of the County, City, and Town respectively, with proper Columns for making the Register hereinafter directed, and shall forthwith deliver the same Book to the Sheriff of the County, City, or Town, or his Under Sheriff, or the Town Clerk, which Book shall be called 'The Jurors Book for the Year ' (inserting the Calendar Year for which such Book is to be in use), and that every Sheriff on quitting his Office shall deliver the same to the succeeding Sheriff; and that every Jurors Book so prepared shall be brought into Use on the First Day of *January* after it shall be so delivered by the Clerk of the Peace to the Sheriff, or his Under Sheriff, and shall be used for One Year then next following," shall be and the same is hereby repealed.

Jury Lists, when allowed and signed by the Justices, to be numbered in their Presence with the consecutive Numbers 1, 2, 3, &c., and a General List to be made out, and then to be signed by the Justices.

II. And instead thereof be it enacted, That when every such List made out and delivered by any High Constable or Collector shall be duly corrected by the Justices present at such Special Sessions or Adjournment thereof, as in the said Act is mentioned, the said Lists shall be marked in their Presence with the successive Numbers 1, 2, 3, &c., according to the Number of such Lists; and when the said Lists, so corrected and numbered, shall be allowed and signed by them or any Three of them, the said Justices shall cause One General List to be made out therefrom, containing the Names of all Persons whose Qualification shall have been so allowed, arranged according to Rank and Property, which General List shall be compared by the presiding Justices at such Sessions with the said Lists so allowed and signed and numbered as aforesaid, and shall be corrected by such Justices (if necessary) by reference to such Lists, and be made to correspond therewith; and the presiding Justices at such Sessions shall sign such General List at the Foot of each Page thereof, and shall deliver the same, together with the Lists so allowed and signed and numbered as aforesaid, to the Clerk of the Peace,

The General List to be copied into a Book to be called the Jurors Book.

who shall thereupon cause the same to be truly and fairly copied, in the same Order in which the Names shall be arranged in the said General List in a Book to be by him provided for that Purpose at the Expence of the County, City, and Town respectively, with proper Columns for making the Register directed by the said Act, and shall forthwith deliver the same Book to the Sheriff of the County, City, or Town, or his Under Sheriff, or the Town Clerk, which Book shall be called "The Jurors Book for the Year " (inserting the Calendar Year for which such Book is to be in use), and that every Sheriff on quitting his Office shall deliver the same to the succeeding Sheriff, and that every Jurors Book so prepared shall be brought into use on the First Day of *January* after it shall be so delivered by the Clerk of the Peace to the Sheriff or his Under Sheriff, and shall be used for One Year then next following.

III. And

The Jury Lists, &c. to be placed among the Records in the Office of the Clerk of the Peace, and be open for Inspection.

III. And be it enacted, That the Clerk of the Peace shall cause the said Jury Lists, so allowed and signed as aforesaid, and the said General List, to be placed among the Records in his Office, and shall allow the same to be inspected at all reasonable Times, without Fee or Reward, by any Person who, by the Provisions of the said Act of the Fourth Year of the Reign of His late Majesty King *William* the Fourth, would be entitled to peruse the Copies of any of the Jury Lists delivered to such Clerk of the Peace by the High Constable and Collector or Collectors.

Jurors Book may be corrected by the Court of Queen's Bench or by a single Judge, upon Complaint made thereof.

IV. And be it enacted, That if the Jurors Book shall be found to contain any Name which shall not be contained in any one of the said Jury Lists, or if any Name which shall be contained in any one of such Jury Lists shall not appear in such Book, it shall be lawful for Her Majesty's Court of Queen's Bench in *Dublin*, or any Judge of the said Court, upon Complaint thereof made to the said Court or Judge, to order the said Sheriff or Under Sheriff and the Clerk of the Peace respectively to produce the said Jurors Book and the said Jury Lists to the said Court or Judge; and if upon Inspection of the said Book and Jury Lists any such Error shall be found in the said Jurors Book, the said Court or Judge shall order the same to be amended, and such Amendment shall be forthwith made and signed by the said Sheriff or Under Sheriff and Clerk of the Peace, in the Presence of the said Court or Judge.

High Constables and Collectors required to cause Lists to be printed.

V. And whereas it is desirable that the Lists to be made out by the High Constables and Collector or Collectors under the Provisions of the said Act should in every Case be printed; be it therefore enacted, That instead of the Words "you are authorized to order a sufficient Number of Copies thereof to be printed," which are contained in the Precept for returning Lists of Jurors in Schedule (A.) to the said Act annexed, such Precept shall in every Case contain the Words following; (*videlicet*,) "you are required to order a sufficient Number of Copies thereof to be printed;" and the said High Constables and Collector or Collectors are hereby required to cause a sufficient Number of Copies of the said Lists to be printed accordingly.

Grand Jury at Assizes, &c. to present Sum of Money for Expence of printing Lists.

VI. And be it enacted, That it shall be lawful for the Grand Jury of each County, County of a City, or County of a Town, from Time to Time at the next ensuing Assizes or Presenting Term, and they are hereby empowered, if they shall so think fit, without previous Application at Presentment Sessions, to present such Sum of Money as they shall deem reasonable for defraying the Expence of printing such Lists.

Alteration of Act.

VII. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXVIII.

An Act to stay Execution of Judgment for Misdemeanors upon giving Bail in Error.

[31st *July* 1845.]

WHEREAS it is expedient to make Provision for staying the Execution of Judgment upon Prosecution for Misdemeanor while a Writ of Error is depending to reverse such Judgment: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case of Judgment, whether given before or after the passing of this Act for a Misdemeanor, where the Defendant or Defendants shall have obtained a Writ of Error to reverse such Judgment, Execution thereupon shall be stayed until such Writ of Error shall be finally determined; and in case the Defendant or Defendants shall be imprisoned under such Execution, or any Fine shall have been levied, either in whole or in part, in pursuance of such Judgment, the said Defendant or Defendants shall be entitled to be discharged from Imprisonment, and to receive back any Money levied on account of such Fine from the Person or Persons in whose Possession the same shall be, until such final Determination as aforesaid: Provided always, that no Execution upon any such Judgment shall be stayed unless and until the Defendant or Defendants

Execution on Judgments for Misdemeanors stayed or suspended by Writ of Error and Bail thereon.

dants shall become bound by Recognizance, to be acknowledged before One of the Judges of Her Majesty's Court of Queen's Bench, or One of the Commissioners appointed to take Special Bail in Actions depending in the Superior Courts, with Two sufficient Sureties, to be approved of by such Judge or Commissioner, in such Sum as such Judge or Commissioner shall direct, to prosecute the Writ of Error with Effect, and in case the Judgment shall be affirmed, forthwith to render the said Defendant or Defendants to Prison, according to the said Judgment, where Imprisonment shall have been adjudged; and every such Recognizance shall, after Justification of Bail, be filed of Record in the said Court of Queen's Bench, in like Manner and upon Payment of the like Fees as in the Case of other Recognizances filed in the Crown Office in that Court; and the Judge of the said Court of Queen's Bench, and the said Commissioner, shall have the like Powers in respect of the justifying such Bail in Error, and the Examination of the Sureties, and the like Rules shall apply, as in respect of Special Bail in Actions depending in such Court: Provided always, that in the Case of any Defendant under legal Disability it shall be sufficient if Two Persons, to be approved of by such Judge or Commissioner, shall become bound by Recognizance on the Behalf of such Defendant, to be acknowledged and conditioned as aforesaid.

Certificate of Recognizance being duly filed.

II. And be it enacted, That the Clerk of the Crown in the said Court of Queen's Bench shall for the Purposes herein-after mentioned make out and deliver to the Defendant or Defendants, or his or their lawful Attorney, Certificates in Writing under his Hand that such Recognizance is duly filed of Record in such Court, upon Payment of the like Fee as for other Certificates delivered at the Crown Office; and any such Certificate, when duly verified by Affidavit to be made before One of the Judges of the Superior Courts of Common Law, or a Commissioner duly authorized, shall be a sufficient Warrant to every Gaoler or other Person having Custody of such Defendant or Defendants in Execution of such Judgment to discharge him or them out of Custody, and also to every Person having in his Possession the whole or any Part of any Fine levied in Execution of such Judgment, to authorize and require the Repayment thereof to the Defendant or Defendants; but no Person who shall have received any such Money, and have paid it over to any other Person, according to the Course of the Exchequer, shall be liable to repay to the Defendant or Defendants any Part of the Money so paid over.

Time of Imprisonment how reckoned.

III. And be it enacted, That where Judgment upon such Writ of Error shall be affirmed, and Imprisonment shall have been adjudged, the Period for its Continuance in pursuance of such Judgment, if such Imprisonment shall not have commenced under such Execution, shall be reckoned to begin from the Day when such Defendant or Defendants shall be in actual Custody under such Judgment; and if the Defendant or Defendants shall have been discharged from Imprisonment in manner herein-before provided, such Defendant or Defendants shall be liable to be imprisoned for such further Period as, with the Time during which such Defendant or Defendants may already have been imprisoned under such Execution, shall be equal to the Period

for which such Defendant or Defendants was or were so adjudged to be imprisoned as aforesaid.

Payment and Recovery of a Fine not to prevent Imprisonment till Fine again paid.

IV. And be it declared and enacted, That when the Judgment shall have been for Payment of a Fine, and Imprisonment until such Fine be paid, either with or without Imprisonment for a certain Time, and the Defendant or Defendants shall have paid the Fine, or the same or any Part thereof shall have been levied, and shall have been received back, under the Provisions herein-before contained, and the Judgment upon Writ of Error brought shall be affirmed, the Defendant or Defendants shall not be entitled, by reason of such Payment as aforesaid, to be discharged from Imprisonment, notwithstanding the Expiration of any certain Time of Imprisonment for which the original Judgment shall have been given, until the Fine shall be again paid.

Writ of Error to be quashed in case of Delay or Neglect to prosecute it.

V. And be it enacted, That if the Court in which any such Writ of Error shall be pending shall upon Motion in that Behalf decide that the Defendant or Defendants by whom it shall be brought has or have wilfully delayed or neglected to prosecute the same with Effect, it shall be lawful for such Court to order the Writ of Error to be quashed, and thereupon the Defendant or Defendants who brought such Writ of Error shall be liable to Execution upon the Judgment.

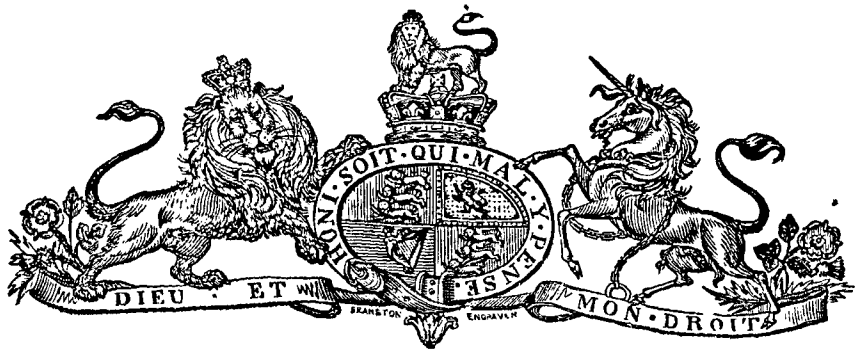
Act not to extend to Scotland.

VI. And be it enacted, That this Act shall not extend to *Scotland*.

Alteration of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXIX.

An Act to amend an Act of the Sixth Year of Her present Majesty, for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in *Ireland*. [31st *July* 1845.]

WHEREAS by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in* Ireland, it is amongst other things enacted, that if the Proprietors of Two Thirds or more in Extent of the Lands proposed to be drained or improved by Drainage under the Provisions of the said Act should have assented in Writing to the Execution of the proposed Works, the Commissioners acting in execution of said Act should make and sign a Declaration describing the Lands proposed to be drained or improved, and declaring the then actual Value thereof, and the Increase in such Value by means of the proposed Works, and the Proportion in which such Lands should be chargeable towards the Expence of the proposed Works, such Proportion being fixed according to such actual Value and such estimated Increase as aforesaid, and also stating the several other Matters and Things in and by the

5 & 6 Vict. c. 89.

the said Act authorized and required; and it is by the said Act further enacted, that it should and might be lawful for the Commissioners appointed under the said Act, from Time to Time as Occasion should require, to borrow and take up at Interest any Sum or Sums of Money required for defraying the Costs, Charges, and Expences to be incurred by them in the Execution of any Works for the Drainage and Improvement of any Land, or the Navigation of any River, or the Formation of any Reservoir under or by virtue of the said Act, and that the Repayment of such Sum or Sums of Money, with Interest, at a Rate not exceeding Five Pounds *per Centum per Annum*, should be secured to the Party lending the same upon the Monies accruing to the said Commissioners under or by virtue of the Award to be made by the said Commissioners as in the said Act mentioned; and it is in and by the said Act further enacted, that as soon as conveniently might be after any Works for the Drainage or Improvement of any Land or the Navigation of any River under the said Act, or any other Work by the said Act authorized, should have been completed, the Commissioners should draw up an Award or Instrument in Writing in the Manner and Form therein particularly mentioned and described, and that the respective Sums of Money which by the Award of the said Commissioners should be specified as the Proportions or Contributions payable in respect of the several Parcels or Portions of the Land drained or improved by Drainage, or by any Works under the said Act, towards the total Amount of the Sums expended in and about such Drainage or Improvements as aforesaid, with Interest for such respective Sums of Money at a Rate not exceeding Five Pounds *per Centum per Annum* from the Date of such Award, should be charged on such several Parcels or Portions of the Land so drained or improved as aforesaid, and that in preference to and with Priority over all Incumbrances on such Land; Provided nevertheless, that any Quit or Chief Rent issuing thereout, or other Incumbrance thereon, previously to the Date of the said Award, should have Priority to such Charges to the Extent of the Value of such Land before the Improvements were effected, but no further; and the same respective Sums of Money, with such Interest for the same as aforesaid, should also be charged upon so much of any other Land situate within One Mile of any Part of the Lands so drained or improved, and settled with the Lands so drained or improved to the same Uses, Intents, and Purposes, by virtue of Limitations contained in the same Instrument or the same Set of Instruments, as the said Commissioners should by their said Award, or any Instrument under their Hands and Seals enrolled in the Rolls Office, direct, limit, and appoint, having regard to the Sufficiency of the said Lands to satisfy and secure the Charge thereon, but subject, as to such other Land, to the full Amount of all Incumbrances affecting the same prior to the Date of the said Award: And whereas Applications have been made to the said Commissioners for the Drainage of Land, and the Improvement of Navigation and Water Power of several Rivers and Lakes, in *Ireland*, and Undertakings and Works for those Purposes are now in progress under the Direction of the said Commissioners: And whereas it is expedient and just that the Monies to be charged upon Lands by any such Award as aforesaid shall take Priority and

have Effect as to such Lands from the Date of the said Declaration in and by the said Act authorized, instead of the Date of the said Award; and for the more effectual Attainment and Extension of the Benefits likely to arise from the said Act it is expedient to facilitate the raising of Monies for the Purposes thereof, and to amend the said Act in certain other respects as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in the Case of all Loans to be effected and Declarations to be made by the said Commissioners after the passing of this Act, under the Provision of said recited Act or this Act, the respective Sums of Money which, by the Award to be made by the said Commissioners, shall be specified as the Proportions or Contributions payable in respect of the several Parcels or Portions of the Land drained or improved by Drainage, or by any Works under the said Act or this Act, towards the total Amount of the Sums expended in and about such Drainage or Improvements as aforesaid, with Interest for such respective Sums of Money at the Rate not exceeding Five Pounds *per Centum per Annum*, shall from the Date of such Declaration be charged on such several Parcels or Portions of the Land so drained or improved as aforesaid, and that in preference to and with Priority over all Incumbrances on such Land, save only that any Quit or Chief Rent issuing thereout, or other Incumbrance thereon, previously to the Date of the Memorandum of the Registry of such Declaration, as by this Act authorized and directed to be made by the said Commissioners, shall have Priority to such respective Sums of Money so charged to the Extent of the Value (as stated by the said Commissioners in any such Declaration) of such Land before the Improvements were commenced, but no further; and the same respective Sums of Money, with such Interest for the same as aforesaid, shall also be charged upon so much of any other Land situate within One Mile of any Part of the Lands so drained or improved, and settled with the Lands so drained or improved, to the same Uses, Intents, and Purposes, by virtue of Limitations contained in the same Instrument or the same Set of Instruments, as the said Commissioners shall by the said Award, or any Instrument under their Hands and Seals, and enrolled in the Rolls Office, direct, limit, and appoint, having regard to the Sufficiency of the said Lands to satisfy and secure the Charge thereon, but subject, as to such other Land as aforesaid, not being Part of the Lands so drained or improved, to the full Amount of all Incumbrances affecting the same prior to the Registry of the Memorandum of such Declaration.

Apportioned Expences of Works to be charged on Lands.

II. And be it enacted, That the Provisions in the said recited Act and this Act contained relating to the Charge of any Monies or Interest on Land situate within One Mile of any Part of the Land drained or improved shall be deemed and construed to extend and apply to all Land belonging to the same Proprietor, as the Land so drained or improved, situate within One Mile of any Part of the Lands so drained and improved, for all his Estate and Interest existing at the Time of such Declaration of the said Commissioners as aforesaid.

Provisions in recited Act as to Charge on Lands to apply to Land of the same Proprietor.

III. And

The Proprietors may give other Security in lieu of the Lands so situate.

III. And be it enacted, That if any Proprietor shall prefer to give other Security in lieu of the Lands so situate within One Mile of the Lands drained or improved as aforesaid, such Security shall be given within a Time to be fixed by public Notice by the Commissioners previous to the Date of the Declaration aforesaid, any thing in the said Act to the contrary notwithstanding.

The whole of the Lands chargeable shall be described in the Declaration.

IV. And be it enacted, That the Extent of the whole of the Land or Premises which, under the Provisions of said Act or this Act, may become chargeable with the Monies expended in pursuance of the Provisions thereof, shall be entered, stated, or described in every such Declaration, as herein-before mentioned, to be made by said Commissioners; and when such Declaration shall be finally settled a Copy thereof shall be printed, and deposited with the Clerk of the Peace, as in said Act directed.

The Commissioners to cause Memorandum of Declaration to be drawn up and registered.

V. And be it enacted, That so soon as conveniently may be after the making of any such Declaration as in and by the said recited Act or this Act authorized as aforesaid the said Commissioners shall draw up a Memorandum or Instrument in Writing, setting forth therein the several Lands (with the County, County of a City or Town, and Barony or Parish in which the same may be situate) which shall be the Subject of or contained in such Declaration, and also setting forth the Proprietors of such Lands respectively, and which Memorandum or Instrument shall be signed and sealed by the said Commissioners, and be in the Form in the Schedule marked (B.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and the said Commissioners shall at the same Time sign and seal a Memorial of such Memorandum or Instrument, directed to the Registrar for registering Deeds, Conveyances, and Wills in *Ireland*, and cause the Memorial of such Instrument to be registered in the Office for Registry of Deeds in the City of *Dublin*; and the Registrar of said Registry Office, his and their Assistant, Deputies, and other Officers, are hereby authorized and required to receive and register the same in such and the same Manner as any Deeds or Instruments are registered in said Office, and enter all such Memorials of such Instruments in the Abstract Books and Indexes of or relating to Memorials registered and kept in the said Offices, subject to the Payment of such Fees as may now be lawfully demanded and received upon the Registry of Memorials of Deeds in the said Office.

Declarations heretofore made to be registered.

VI. And be it enacted, That the said Commissioners shall, within Three Months from the passing of this Act, draw up Memorandums or Instruments in Writing in the Manner and Form aforesaid, or as near thereto as the Circumstances of each Case will admit, of the several Declarations heretofore by them made under the Provision of the said recited Act, and Memorials thereof respectively, and cause the said Memorials to be entered and registered in the Register's Office for registering of Deeds in the City of *Dublin* in the same Manner as last aforesaid.

VII. And

No Appeal, unless Notice in Writing within 21 Days after Declaration.

VII. And be it enacted, That no Appeal to any Assistant Barrister against any Declaration to be made by the said Commissioners shall be heard, unless a Notice in Writing of such Appeal be lodged with the Secretary of the said Commissioners at their Office in *Dublin* within Twenty-one Days next after the Publication of such Declaration.

Power to borrow Money to pay Interest pending Execution of Works.

VIII. And be it enacted, That when the said Commissioners shall think fit to borrow or raise at Interest or shall have borrowed any Sum of Money under the Powers for that Purpose given by the said recited Act or this Act, it shall and may be lawful for the said Commissioners, if they shall so think fit, to include in such Loan as well the Principal Sum estimated to be required as all Interest which may be agreed to be paid thereon during the Interval between such Loan and the making of the Award relative to the Works for which such Loan may have been contracted, such Interest to be payable half-yearly or otherwise as the said Commissioners shall think fit; and all Sums so borrowed for Payment of Interest shall be secured in like Manner as the Principal Sum of which the Interest shall have been so provided for as aforesaid.

Certificate of Loans may be transferred by Endorsement.

IX. And be it enacted, That from and after the passing of this Act it shall not be necessary that any Transfer of the Right or Interest in or to any Sum secured by any Certificate heretofore issued or hereafter to be issued under the said recited Act or this Act shall be in any specified Form, and that every Person who shall be entitled to the Money secured by any such Certificate may transfer his Right and Interest to the Principal Sum and Interest Money thereby secured to any Person by Endorsement thereon, and that all Rights and Remedies of the Person so endorsing in, to, or in respect of such Certificate shall, after such Endorsement, be vested in the Person to whom such Transfer shall be made, and that it shall not be necessary that the said Transfer or Endorsement shall be produced or certified to the Secretary of the said Commissioners, or for the said Secretary to make an Entry thereof, as in and by the said recited Act directed.

Commissioners may make Certificates payable within certain Periods.

X. And be it enacted, That it shall and may be lawful for the said Commissioners, in any Case where they shall so deem fit, to make any Certificate or Set of Certificates granted under the said Act or this Act for the whole of the Monies required to be borrowed for such Case, payable at any Time (to be fixed as herein-after provided) intervening between Two Periods to be stated in such Certificates; and it shall be lawful for the said Commissioners to alter the Form of the Certificate provided by the said Act to suit the Circumstances of each Case, and such Certificate so varied shall be equally good and effectual as if the same were according to the Form by said Act prescribed.

Commissioners to determine by Ballot the Order in

XI. And be it enacted, That where more than One Certificate for any such Case shall be so issued and made payable between Two such Periods as aforesaid, the Commissioners shall, as soon as may be convenient after the final Settlement of their Award,

which Certificates shall be paid.

give Notice in the *Dublin Gazette*, and in such other Newspapers and by such other Means as they shall think fit, to the Holders of such Certificates of their Intention, on a Day and Hour in said Notice to be fixed, not sooner than Fourteen Days from the Publication thereof, to hold a Ballot for the Purpose of determining the Order in which such Certificates shall be paid off; and upon the Day and at or after the Hour named the Commissioners shall accordingly proceed to make such Ballot in presence of such (if any) the Holders of such Certificates, or their Agents or Representatives, as shall attend at such Ballot, and if none of such Persons shall attend then in the Absence of such Persons; and the Result of such Ballot shall be recorded in the Office of the said Commissioners, and noted upon all such of the said Certificates as shall be then or subsequently produced to the said Commissioners; and such Record and Notification shall be signed by the Secretary for the Time being of said Commissioners, and all such Certificates shall be paid off in the Order so to be determined by such Ballot.

The Commissioners may, on Notice, pay off Certificates.

XII. And be it enacted, That in all Cases of Certificates issued in the Mode herein-before prescribed, and also in all Cases where, pursuant to the Provisions of the said recited Act, the Commissioners are empowered or required to borrow Money at a lower Rate of Interest than the Certificates which for the Time being shall be in force shall bear, and shall issue like Certificates at such reduced Rate of Interest, it shall and may be lawful for the said Commissioners and they are hereby required to publish a Notice or Notices in the *Dublin Gazette*, and in such other Newspapers as they shall deem fit, fixing a Time, not sooner than Six Months from the Date of such Notice, when the Principal Money secured by any or the whole of such Certificates shall become payable, having regard to the Order in which, in pursuance of the Provisions of this Act and the said recited Act, such Certificates shall have been made payable; and in such Notice the Certificates to become payable shall be described by the Name of the District or Work for which they have been issued, and the Number, Letter, or other Mark fixed by said Commissioners on such Certificates; and it shall be lawful for the said Commissioners, at the Expiration of the Time in such Notice stated, to pay off the Monies due on account of such Certificates named in such Notice, and from and after the Expiration of the Time appointed by said Notice the Interest on the Principal Monies secured by such Certificates shall cease and determine.

Commissioners may invest Funds.

XIII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to invest in any of the Public or Government Funds or Securities, in their Names as such Commissioners, or in the Name of their Secretary for the Time being, for the Benefit of the Parties interested in such Funds, (but without Risk to the said Commissioners,) any Sums of Money applicable to the Purposes of the said recited Act or this Act which may be in their Hands remaining unapplied.

XIV. And

XIV. And be it enacted, That the said Commissioners may and shall in all Cases sue and be sued in the Name of the Secretary of the Commissioners of Public Works in *Ireland* for the Time being for and on behalf of the said Commissioners; and that in all Indictments or Criminal or Civil Proceedings the Name of the Commissioners of Drainage shall be a sufficient Description of the said Commissioners; and that no such Action or Suit at Law or in Equity shall abate or be discontinued by the Death or Removal of such Secretary; and the Secretary for the Time being shall always be deemed the Plaintiff or Defendant in such Action or Suit (as the Case may be). Power to sue and be sued.

XV. And be it enacted, That it shall and may be lawful for the said Commissioners, in making any Declaration or Award, or doing any other Act by this Act or the said recited Act authorized, to do so in and by reference to Maps, Plans, and Schedules, or otherwise, as they may think best. Commissioners may in Declaration refer to Maps and Schedules.

XVI. And be it enacted, That the Assents of Proprietors and Owners under the said recited Act shall be in the Form in the Schedule (A.) to this Act annexed, or as near thereto as the Circumstances of each Case will permit, and that the Assent of every Proprietor given under his Hand in such Form shall, to all Intents and Purposes, be conclusive against and binding upon such Proprietor of and all Persons interested in the Lands of such Proprietor in respect of which such Assent shall be given, and also upon and against the same Lands respectively. Assents to be in the Form in Schedule.

XVII. And be it enacted, That the Production of such Assents by or from the Office of the said Commissioners shall be deemed and taken in all Courts of Law and Equity as good and sufficient Proof thereof, and of the due Execution thereof, without any further or other Evidence of the Execution of same. Production of Assents to be Proof of Execution.

XVIII. And be it enacted, That every Clerk, Collector, Receiver, or other Officer to be appointed or employed under the said recited Act or this Act, shall, when required so to do by the said Commissioners, give such Security to the Secretary for the Time being of the Commissioners of Public Works in *Ireland* in such Sum as shall be determined on by the Commissioners acting in execution of the said recited Act and this Act, conditioned for the due Performance and Execution of such Duties and Works for which such Person or Persons shall respectively be so appointed or employed as aforesaid, or in such other Condition as the Commissioners of Drainage may think proper and require; and each Security shall and may be sued upon and enforced by the Secretary of Commissioners of Public Works for the Time being for and on behalf of the said Commissioners of Drainage. Officers to give Security.

XIX. And be it enacted, That the respective Sums of Money which shall become chargeable under any Award to be made by the said Commissioners in respect of any District as to which the said Commissioners have heretofore made a Declaration, and as to which Money has Security for Sums heretofore advanced.

has been borrowed and taken up by them for the Execution of any Work in such District, shall, for the Purpose of securing the Money so borrowed and taken up by the said Commissioners, be Charges on the Lands to become chargeable therewith as in said Act mentioned, but with Priority over all Charges created on such Lands after the passing of this Act.

Value of Lands.

XX. And be it enacted, That the Extent in Value of the Land drained or improved before the Improvements were effected in said Act mentioned shall be construed, deemed, and taken to be the Value thereof before the Improvements were commenced.

Interpretation of Act.

XXI. And be it enacted, That the said recited Act shall continue and be in full Force and Effect, save and except so far as the same is altered by or inconsistent with this Act, and that the said recited Act and this Act shall be construed together as One Act; and that in the Construction of this Act, except where the Nature of the Provision or the Context of this Act shall exclude such Construction, the Words "Lands," "River," "Person" or "Persons," "Proprietor" or "Proprietors," "Quit or Chief Rent," and "Counties," shall be construed to extend and be applied as in said recited Act is directed and provided; and every Word importing the Singular Number only shall extend and be applied to several Persons and Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; the Words "said Commissioners" shall mean the Commissioners or any Two of them acting in execution of the said recited Act and this Act; and the Word "Proprietor" in the said recited Act and this Act, in addition to the Meanings in the said recited Act applied to it, shall also mean the reputed Proprietor.

Alteration of Act.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

DRAINAGE ACTS, VICT. c.

ASSENT.

District of

WHEREAS, under the Provisions of an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled "An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland," and of another Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty amending the same, it is proposed to drain and improve by Drainage certain Lands within the District designated by the Commissioners for the Execution of the said Act the District of in the County of for which Purpose certain Maps, Plans, Sections, Estimate, and Schedules have been lodged, in pursuance of the Provisions of said first-recited Act, for public Inspection for Six successive Weeks, as thereby directed, at in the County of and which said Maps, Plans, Sections, and Estimate are signed by Commissioners for the Execution of the said Acts.

And whereas I, the undersigned, am a Proprietor, within the Terms of said Act, of some of the Lands within said District, and comprised in said Schedules; that is to say, in the Townlands of

Now these Presents witness, that I have assented and do hereby assent, as such Proprietor, to the Execution of the Works for the Drainage and Improvement by Drainage of the Lands within said District by the said Commissioners, pursuant to the Provisions of the said Acts.

Witness my Hand, this Day of 184 .
Present

The undersigned, being Tenant of of the above Lands, whose Concurrence in the above Assent is required under the Provisions of the said Act, do hereby consent to the Execution of the said Works.

Witness my Hand, this Day of 184 .
Present when signed by

SCHEDULE (B.)

Memorandum of a Declaration under the Drainage Act.

District of County of

WE, the Commissioners acting in execution of an Act made and passed in the Sixth Year of the Reign of Her present Majesty Queen Victoria, intituled [*here set forth Title of the original Act*], and also of another Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty amending the same, have heretofore, to wit, on the Day of 18 , made a Declaration in the Manner by the said Acts or one of them directed, and in the Schedule hereunto annexed we have set forth the several Lands which are the Subject of or contained in the said Declaration, as well as the Names of the Proprietors of such Lands respectively.

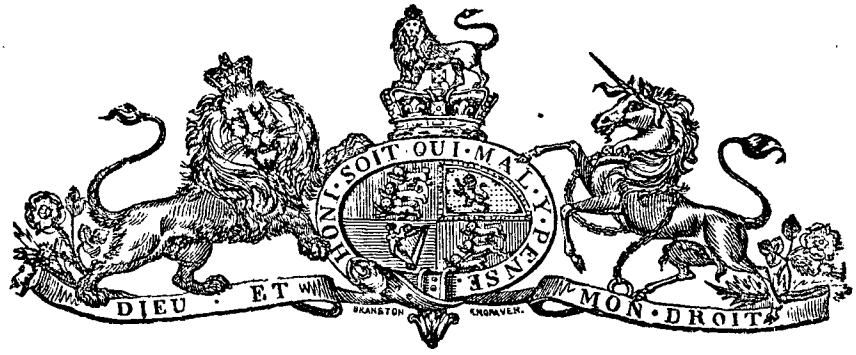
In witness whereof, *&c.*

Signed, sealed, and delivered by the said

In Presence of

Townland.	Barony or Parish.	County, County of a City or Town.	Name of Proprietor.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXX.

An Act for the further Amendment of the Church Building Acts. [31st *July* 1845.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and render more effectual Two Acts, passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Fifth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to make further Provision, and to amend and render more effectual Three Acts, passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty and in the Third Year of His present Majesty, for building and promoting the building of additional Churches in populous Parishes:* And whereas another

58 G. 3. c. 45.

59 G. 3. c. 134.

3 G. 4. c. 72.

5 G. 4. c. 103.

Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled 'An Act to amend the 'Acts for building and promoting the building of additional Churches 'in populous Parishes:'* And whereas another Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His said late Majesty, to render more effectual the aforesaid Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third: And whereas another Act was passed in the Session of Parliament holden in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to prolong for Ten Years Her Majesty's Commission for building new Churches:* And whereas another Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of Her said Majesty Queen *Victoria*, intituled *An Act to amend and render more effectual the Church Building Acts*: And whereas another Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to make better Provision for the Assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the Bounty of Queen* Anne; *and for other Purposes:* And whereas another Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to further amend the Church Building Acts:* And whereas another Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act concerning Banns and Marriages in certain District Churches and Chapels:* And whereas it is expedient that some of the Provisions of the herein-before recited Acts should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding any Limitation or Restriction or other Thing contained in the herein-before recited Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, where a new Church has been already built or shall hereafter be built in any Parish or District Parish, or ancient or parochial Chapelry, and where the Bishop of the Diocese and the Patron and Incumbent of such Parish, District Parish, or ancient or parochial Chapelry shall at any Time certify to Her Majesty's Commissioners for building new Churches that it will be for the Convenience of such Parish, District Parish, or ancient or parochial Chapelry that such new Church, being duly consecrated, should be substituted for the old or existing Church situate therein, it shall be lawful for the said Commissioners, by an Instrument under their Common Seal, with the Consents of such Bishop, Patron, and Incumbent, under their Hands and Seals, to declare that such new Church, being duly consecrated, shall be substituted for such old or existing

7 & 8 G. 4. c. 72.

1 & 2 W. 4. c. 38.

2 & 3 W. 4. c. 61.

7 W. 4 & 1 Vict. c. 75.

1 & 2 Vict. c. 107.

2 & 3 Vict. c. 49.

3 & 4 Vict. c. 60.

7 & 8 Vict. c. 56.

Explanation and Extension of the Provisions of 3 G. 4. c. 72. § 30.

Church; and to transfer the Endowments, Emoluments, or Rights belonging to such old or existing Church, or to the Incumbent or Minister thereof, to such new Church, and to the Incumbent or Minister thereof, and his Successors; and it shall be lawful in every such Case for the Trustees (if any) of such old or existing Church, or of any Rights, Emoluments, or Endowments belonging thereto, or to the Incumbent or Minister thereof, and they are hereby required, and indemnified for so doing, to transfer the same according to the Direction of the said Commissioners; and immediately from and after such Transfer all Glebe Lands, Tithes, and other Endowments, Emoluments, Fees, and Profits, and every Matter or Thing, whether real or personal, and all Rights and Privileges wherewith any such old or existing Church is, or was at the Time of such Substitution, endowed, or to which the Incumbent or Minister thereof was or is entitled, shall be vested in and belong to the Incumbent or Minister for the Time being of such new Church, and his Successors, in as ample a Manner as the Incumbent or Minister of the old or existing Church might have enjoyed the same if such Transfer had not taken place, and the Incumbent or Minister of such old or existing Church shall thereupon be, to all Intents and Purposes, the Rector, Vicar, Perpetual Curate, or Minister, as the Case may be, of such new Church, instead of Rector, Vicar, Perpetual Curate, or Minister of such old or existing Church, without any Presentation, Institution, Induction, Collation, or other Form of Law being had, observed, or required; and such new Church shall thereupon have the same Rights and Privileges as such old or existing Church, and such Offices of the Church as were performed and celebrated in such old or existing Church shall be performed and celebrated in such new Church, and such new Church shall be to all Intents and Purposes in lieu of the old or existing Church; and at any Time within Six Months after the Substitution of such new Church for the old or existing Church, the Bishop of the Diocese may of his own mere Motion issue, or if thereunto required by any Person claiming to hold a Pew or Seat free of Rent in such old or existing Church by Faculty or Prescription, shall issue, a Commission under his Hand and Seal, directed to the Archdeacon of the Archdeaconry in which such old or existing Church shall be situate, and to any Two Incumbents of Parishes situate within such Archdeaconry, and to any Two Laymen nominated by the Churchwardens of such old or existing Church, who are hereby required to nominate for such Purpose Two fit Persons not claiming any such Pew or Seat as aforesaid; and such Commission shall direct the Commissioners thereby appointed to inquire into the Rights of Persons, if any, who claim to hold any such Pews or Seats as aforesaid; and the said Commissioners, or any Three or more of them, of whom the said Archdeacon shall be One, shall, as soon as conveniently may be, proceed to examine into such Claims, after giving Fourteen Days previous Notice thereof, by affixing a Copy of such Commission on the Church Door of such new Church; and such Notice, signed by such Archdeacon, shall specify the Day and Time and Place on which such Examination is to be made; and after making an Examination into such Claims the Commissioners so appointed, or the Majority of them shall, under their Hands transmit in Writing to the said Bishop the Names and Residences of the Persons who have substantiated their

Claims of Persons to Pews in the old Church to be investi-

gated, and if proved such Persons to have Pews in the new Church, on the same Terms as in the old one.

their Claims to such Pews or Seats, and if the said Bishop is satisfied therewith he shall assign, under his Hand and Seal, to such Parties respectively, convenient Pews or Seats in such new Church, and such Seats so assigned shall be held and enjoyed by the Parties entitled to the same in as free and ample a Manner as the Pews or Seats to which they had or would have been entitled in such old or existing Church; and if any Party shall find himself aggrieved by the Finding of such Commission the Bishop of the Diocese shall have Power to afford Redress, by allotting to such Party Seats in such new Church, if the Justice of the Case shall in his Judgment require it; and the old or existing Church, if such Bishop shall think fit, may thereupon be wholly or partly pulled down, under a Faculty to be granted for that Purpose; and the said Bishop shall in that Case take care that all Tombstones, Monuments, and monumental Inscriptions in such Church so pulled down are as far as may be preserved by the Churchwardens, at the Expence of the Parish, or if it shall seem fit to the said Bishop the same shall be transferred to the Church so substituted as aforesaid, at the Expence of the said Parish or District Parish, or ancient or parochial Chapelry, as the Case may be; provided that in case such new Church shall have been built wholly or in part out of the Funds placed at the Disposal of Her Majesty's said Commissioners under the Provisions of the herein-before recited Acts or any of them, and such Transfer shall have been made, Rents for the Pews or Seats in such new Church shall only be fixed by Her Majesty's said Commissioners under the Provisions of such Acts for that Number of Seats therein which shall exceed the Number of Seats provided in such old or existing Church: Provided always, that nothing herein contained shall authorize the Substitution of any new Church in lieu of the old or existing Church as aforesaid, when the Advowson of or Right of Nomination to such new Church shall belong to any other Body or Person than to the Patron of such old or existing Church, without the Consents in Writing of the Patron and Incumbent or Minister of such new Church.

Incumbent of old Church and his Successors to be Incumbent of new Church.

II. And be it enacted, That the Rector, Vicar, Perpetual Curate, or Minister of such old or existing Church next succeeding after such Transfer, and his Successors, shall be and is hereby declared to be the Rector, Vicar, Perpetual Curate, or Minister, as the Case may be, of such new Church; and the Body or Person who for the Time being would have had a Right of presenting or appointing the Incumbent or Minister of such old or existing Church, in case such Transfer had not been made, shall in lieu thereof, when any Vacancy occurs, have such and the like Right of presenting or appointing the Incumbent or Minister of such new Church as such Body or Person would have had with respect to the old or existing Church.

Former proceedings under 3 G. 4. c. 72. s. 30. valid.

III. And whereas it is expedient to remove any Doubts touching the Validity of any Proceedings by Her Majesty's said Commissioners in Cases in which, under the Provisions of the herein-before recited Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, they have substituted a new Church in lieu of the old or existing Church in any Parish, and have transferred the Tithes, Glebe, and other Endowments belonging

ing to such old or existing Church to such new Church; be it therefore enacted and declared, That every Substitution of a new Church in lieu of an old or existing Church, and every Transfer heretofore made of the Tithes, Glebe, and other Endowments belonging to such old or existing Church, to such new Church, by the said Commissioners, purporting to be under the Provisions of the herein-before last-mentioned Act, shall be and shall be held to be valid in Law from the Time of such Substitution and Transfer.

Where any Part of a Cathedral Church has been accustomed to be used as a Parochial Church, a Transfer of the Rights, Endowments, &c. belonging to such Parochial Church may, with certain Consents, be made by the the Church Building Commissioners to a new Church; and the Parochial Church shall thenceforth be under the same Control and subject to the same Laws as to Repairs as exist with respect to the Cathedral Church.

IV. And be it enacted, That where any Part of the Cathedral Church has been accustomed to be used as a parochial Church, it shall be lawful for Her Majesty's said Church Building Commissioners, with Consent of the Ecclesiastical Commissioners for *England*,, and with the Consents of the Bishop of the Diocese and of the Dean and Chapter of such Cathedral Church, and with the Consents also of the Patron and of the Incumbent or Minister of such Church, to transfer the Rights, Emoluments, Tithes, and other Endowments (if any) as herein-before particularly specified belonging to the Incumbent of such Church, to any new Church which has been or hereafter may be built, and which is situate in the Parish where such Part of such Cathedral is, or is deemed to be, the Parish Church; and in case of such Transfer the same Provisions herein-before contained, touching the Rights and Privileges, Succession and Appointment of the Incumbent or Minister of such new Church, and the Performance of the Offices therein, and the Examination into the Claims of Parties claiming to hold Pews, or Seats by Faculty or Prescription in the old Parish Church, and the Assignment of Pews or Seats to those who have substantiated such Claims as herein-before mentioned, shall apply to such new Church which after such Transfer shall become the Parish Church in lieu of the former Parish Church so belonging to such Cathedral; and such new Church, and the Incumbent or Minister thereof shall, from and immediately after such Transfer, be and remain subject in all respects to the same ordinary and other Ecclesiastical Jurisdiction and Superintendence as the old parochial Church and the Incumbent or Minister thereof respectively were or otherwise would have been subject to; and the Part of the Cathedral Church so vacated shall thenceforth remain and be deemed to be Part of the Cathedral Church itself, in the same Manner and as fully as if it had never been used as a parochial Church, and shall thenceforth be subject to the same Control and Superintendence, and to the same Laws as to Repairs, as exist and are in force with respect to the Cathedral Church itself; and the Parish shall thenceforth be exempt from all further Liability (if any) to keep the same in repair: Provided always, that the Party or Parties liable to the Repair of the said Part of the said Cathedral Church, whilst it was so used as a parochial Church, shall continue to be liable to the Repairs of such new Church.

Parish heretofore united with another shall be disunited after new Church built therein.

V. And be it enacted, That where at the passing of this Act there is not any consecrated Church in One of Two Parishes which may have been for Thirty Years next before the passing of this Act united, or reputed to have been united, for Ecclesiastical Purposes,

and where a new Church has been or shall hereafter be built wholly or in part out of any Funds at the Disposal of Her Majesty's said Commissioners in the said Parish in which there is not any such Church as aforesaid, the whole of such Parish may, after the Consecration of such new Church, be disunited for Ecclesiastical Purposes from the other Parish, and may be formed into a separate and distinct Parish for such Purposes, with the same Consents, in the same Manner, and under and subject to the same Provisions and Consequences as are mentioned and contained in the herein-before recited Acts or any of them, or in this Act, relative to the Formation of a distinct and separate Parish, where the same is formed out of one Parish not united with another Parish.

Appointment of Churchwardens for a District Chapelry and consolidated Chapelry.

VI. And be it enacted, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, That, in all Cases not otherwise expressly provided for, Two fit Persons shall be annually appointed Churchwardens for the Church of every District Chapelry or consolidated Chapelry already or hereafter to be formed under the Provisions of the herein-before recited Acts or any of them, or this Act, such Persons residing within the District Chapelry or consolidated Chapelry; and the first Appointment of Two such Persons shall, with respect to the Church of any District Chapelry or consolidated Chapelry already formed as aforesaid, take place within Two Calendar Months after the passing of this Act, and with respect to a Chapelry District or consolidated Chapelry to be hereafter formed as aforesaid, within Two Calendar Months after the Formation of the same; and the first Appointment of such Persons, in either of such Cases, shall take place at a Meeting of the Minister of such Church and the Householders of the District, to be summoned in all respects as such Minister shall direct; and every subsequent Appointment shall take place at the usual Period of appointing Parish Officers, at a Meeting to be summoned in all Respects as if such District were a Parish and such Meeting were a Parish Vestry Meeting; and in each such Case one of such Persons shall be chosen by the then Incumbent or Minister serving such Church, and the other by the Householders, or the Majority of such Householders, residing in such District Chapelry or consolidated Chapelry; and the Two Persons, when so appointed and elected Churchwardens, shall appear and be admitted according to Law, and shall collect and receive the Rents of the Pews and Seats in every such Church, and pay the Stipend or Salary assigned by Her Majesty's said Commissioners to the Minister and Clerk of such Church, if the said Commissioners have fixed the Rents for the same, or assigned such Stipend or Salary, and shall also do, perform, and execute all lawful Acts, Matters, and Things necessary for and concerning the Management, good Order, and Decency of Behaviour to be kept and observed in such Church by the Congregation thereof, and for the Recovery of such Pew Rents, if in arrear; and the Money given at the Offertory at such Church shall be disposed of by the Minister and Churchwardens of such Church, in the same Manner as the Money given at the Offertory at any Parish Church is by Law directed to be disposed of by the Minister and Churchwardens of such Parish;

and the Persons so to be appointed and chosen Churchwardens shall continue in their said Office until others shall be appointed and chosen in like Manner in their Stead.

Appointment of Churchwardens for an additional Church the Site whereof has been accepted by the Commissioners.

VII. And be it enacted, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, That, in all Cases not otherwise expressly provided for, Two fit and proper Persons shall be annually appointed Churchwardens for any new Church (without a District) already built or hereafter to be built upon a Site whereof Her Majesty's said Commissioners shall have accepted the Conveyance, under the Provisions of the herein-before recited Acts; and the first Appointment of such Persons shall take place within Two Calendar Months after the passing of this Act with respect to a Church already built and consecrated, and within Two Months after the Consecration of a Church to be so hereafter built; and the next Appointment of such Persons, in either of such Cases, shall take place at the next usual Period of appointing Parish Officers; and in each such Case one of such Persons shall be chosen by the Minister of such Church, and the other by the Renters of Pews therein, or by the Majority thereof, at any Meeting to be summoned, in all respects as the Minister of such Church, or (if there shall be no Minister) as the Churchwardens going out of Office, shall direct; and the Two Persons, when so appointed and elected Churchwardens, shall appear and be admitted according to Law, and shall collect and receive the Rents, if any, of the Pews and Seats in any such Church, and pay the Stipend and Salary, if any, assigned by the said Commissioners to the Minister and Clerk of such Church, and shall also do, perform, and execute all lawful Acts, Matters, and Things necessary for and concerning the Management, good Order, and Decency of Behaviour to be kept and observed in such Church by the Congregation thereof, and for the Recovery of the Pew Rents in such Church, if the same are in arrear; and the Persons so to be appointed and chosen Churchwardens shall continue in their said Office until others shall be appointed and admitted in like Manner in their Stead: Provided always, that if there are no rented Pews in such Church the Minister of such Church shall appoint both Churchwardens: Provided also, that if such new Church is made the Church of a distinct and separate Parish, District Parish, District Chapelry, or consolidated Chapelry, the several Provisions of the herein-before recited Acts or this Act touching the Appointment and Election of Churchwardens for the same, and their Powers and Duties in each such Case, shall thenceforth respectively apply to such Church.

No such Churchwarden to be by virtue of his Office Overseer of the Poor.

VIII. Provided always, and be it enacted, That no Churchwardens appointed under the Provisions of this Act shall be Churchwardens for any other Duties than for those herein-before mentioned; but all other legal Duties appertaining to the Office of Churchwardens shall be discharged within such District Chapelry or consolidated Chapelry, and in respect of the Church thereof, and also in respect of any such new Church as aforesaid without a District, by the Churchwardens who would have discharged the same if this Act had not been passed; and that no Churchwardens appointed under the Provisions

Provisions of this Act shall in virtue of such Office be deemed Overseers of the Poor.

Explanation and Amendment of Part of 59 G. 3. c. 134. as to Formation of consolidated Chapelries.

IX. And whereas it is expedient to explain and amend the Provisions of the herein-before recited Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, touching the Formation of consolidated Chapelries; be it therefore enacted, That where a Population is collected together at the Extremities of and locally situate in Parishes or extra-parochial Places contiguous to each other, at a Distance from the respective Churches of such respective Parishes or extra-parochial Places, and where there is or shall hereafter be a consecrated Church in any of such Parishes or extra-parochial Places so circumstanced and situated as aforesaid, it shall be lawful for the said Commissioners, with the Consent of the Bishop of the Diocese, or if such Parishes or Places are situate in different Dioceses, then with the Consents of the respective Bishops thereof, signified under his or their Hands and Seals, and with the Consents also in like Manner signified of the Patrons of such respective Parishes or extra-parochial Places, to represent to Her Majesty in Council the Expediency of uniting any such contiguous Parts of such Parishes or Parts, or the whole of such extra-parochial Places, into One consolidated Chapelry for such Church with respect to all Ecclesiastical Purposes, and such Representation shall contain a Description of such Boundaries as may appear advisable to Her Majesty's said Commissioners for such consolidated Chapelry, and shall state to what Corporate Body, aggregate or sole, or Person, their or his Successors, Heirs, and Assigns, the Right of Presentation and Appointment to the Church of such consolidated Chapelry is proposed, with such Consents as aforesaid, and with the Approval of the said Commissioners, to belong; and if thereupon Her Majesty in Council shall think fit to order such consolidated Chapelry to be so formed, such Order shall be good and valid for the Purpose of forming the same, and the Right of Presentation and Nomination to the Church of every such consolidated Chapelry so formed shall belong to and (when Occasion may require) may be exercised by such Body or Person, their or his Successors, Heirs, and Assigns, as shall be mentioned in such Representation, and the Spiritual Person so nominated and appointed, when Occasion may require, shall be presented to the Bishop of the Diocese for his Licence; and (save and except in those Cases where at the Time of such Consolidation such Church was either the Church of a Rectory or Vicarage, and then the said Church shall retain its original Character,) the Church of such consolidated Chapelry shall be deemed a Perpetual Curacy, and shall be considered in Law as a Benefice Presentative, so far only as that the Licence thereto shall operate in the same Manner as Institution to any Benefice, and shall render void other Livings, in like Manner as Institution to any Benefice, and the Spiritual Person serving the same shall be deemed the Incumbent thereof, with exclusive Cure of Souls therein, and shall have perpetual Succession, and shall be and is hereby declared to be a Body Politic and Corporate, and he and his Successors may receive, take, and hold such Endowments in Lands or Tithes, or both,

Minister thereof to be a Perpetual Curate.

or

or any such Augmentation, as shall be granted to him or them, in the same Manner as any other Incumbent is by Law entitled to do; and every such Incumbent shall be subject to all Jurisdictions and Laws, ecclesiastical or common, and to all Provisions contained in any Acts of Parliament in force relating to such Persons, and the Church of every such consolidated Chapelry shall be subject to the Jurisdiction of the Bishop within whose Diocese and Archdeaconry the Communion Table of such Church shall be locally situated, and to all the Laws in force concerning Presentation and Appointment to Benefices and Churches, and all other Laws relating to the holding the same: Provided always, that where at the Time of forming such consolidated Chapelry the said Church shall be full, the Spiritual Person filling such Church shall be and remain Incumbent of the said Church and also of the whole consolidated Chapelry.

Offices of the Church may be performed therein.

X. And be it enacted, That Banns of Marriage may be published, and Marriages, Christenings, Churchings, and Burials performed, in the Church of every such consolidated Chapelry so formed, and, notwithstanding any thing contained in the herein-before recited Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third to the contrary thereof, the Fees arising therefrom shall, unless voluntarily relinquished by them or either of them, belong to the Incumbent and Clerk respectively of the Parishes out of which such consolidated Chapelry shall have been formed, under the Provisions of this Act, during their respective Incumbencies, or during the Time the Clerk shall retain his Situation; and the Incumbent of such consolidated Chapelry formed under this Act shall keep an Account of the Fees so received, and shall every Year pay over the same to such Incumbents and Clerks respectively who would have been entitled to them if such consolidated Chapelry had not been formed; and after the next Avoidance of such respective Incumbencies, and after the Situations of such respective Clerks shall have become vacant, such Fees shall belong and be paid to the Incumbent of such consolidated Chapelry and the Clerk of the Church thereof.

Apportionment of Fees.

Pew Rents may be fixed for the Minister and Clerk of any consolidated Chapelry, where the Commissioners have granted Money for its Erection.

XI. And be it enacted, That where the Church of such consolidated Chapelry shall have been built wholly or in part by means of the Funds placed by Parliament at the Disposal of Her Majesty's said Commissioners, it shall be lawful for them, with the Consent of the Bishop of the Diocese, to apply the Provisions contained in the herein-before recited Acts passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, touching the Reservation of Pew Rents, and the Assignment thereout of a Stipend to the Minister and a Salary to the Clerk, to the Church of any such consolidated Chapelry, and to the Incumbent and Clerk thereof.

Commissioners may in certain Cases make Grants in aid of the

XII. And be it enacted, That it shall be lawful for Her Majesty's said Commissioners to make a Grant out of the available Monies in their Hands for or towards the Erection of new Churches in aid of the Erection of any new Church intended to be made the Church of any consolidated Chapelry, although the Population of the Parish

Erection of a Church for such consolidated Chapelry.

or extra-parochial Place in which such Church will be situate may not amount to Four thousand Persons and upwards, and although there may be Church Accommodation for more than One Fourth of the Inhabitants of such Parish or extra-parochial Place, provided that the consolidated Chapelry to be formed under the Provisions of this Act shall contain a Population of at least Four thousand Persons, with Church Accommodation therein for not more than One Fourth of the Inhabitants thereof.

How the Freehold of Sites for Churches, &c. shall vest.

XIII. And be it enacted, That in all Cases the Freehold of the Site of every Church of which Her Majesty's said Commissioners may have accepted or shall accept a Conveyance under the Provisions of the herein-before recited Acts or any of them (as to any Church not yet consecrated, when the same shall be consecrated,) shall vest in the Incumbent for the Time being of such Church; and the Freehold of every Burial Ground of which the said Commissioners may have accepted or shall accept a Conveyance under the Provisions of the herein-before recited Acts or any of them shall, after the same shall have been consecrated, vest in the Incumbent for the Time being of the Church to which such Burial Ground shall belong, or if there shall be no such Incumbent, then in such Body or Person as the said Commissioners may, with Consent of the Bishop of the Diocese, in such special Case direct, until there shall be an Incumbent, and from and after that Time then in such Incumbent, for the Use of the Inhabitants of the Place for which such Burial Ground was acquired; and the Freehold of any House, Garden, and Appurtenances, and Land for the Residence and Glebe of the Spiritual Person serving any Church, of which the said Commissioners may have accepted or shall hereafter accept a Conveyance, under the Provisions of the herein-before recited Acts or any of them, shall vest in the Incumbent or Minister of such Church for the Time being; provided that nothing in this Act contained shall authorize the Interment of any Person under any Church.

Land obtained for a Burial Ground for any Parish may be declared by the Commissioners Part of such Parish for that Purpose, although not within the Bounds of such Parish.

XIV. And whereas it is by the said herein-before recited Act, passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, enacted, that where the said Commissioners should make a Grant in aid of purchasing Cemeteries not within the Bounds of the Parish for which the same should be provided, such Cemeteries should, after Consecration, be deemed Part of the Parish for the Use of which they should have been purchased or provided: And whereas it is expedient that the said Commissioners should have the Power of declaring that such Land as shall be approved of by them for the Purpose of a new or additional Burial Ground or Burial Grounds should be deemed Part of the Parish or Parishes for the Use of which they shall have been provided, although not within the Bounds of such Parish or Parishes, and whether any Grant in aid of the Purchase of such Land shall have been made or not by the said Commissioners; be it therefore enacted, That where any Land shall have been purchased or obtained for any new or additional Burial Ground not within the Bounds of the Parish or Parishes for the Use of which the same shall have been so purchased or obtained, it shall be lawful for the said Commissioners, if they shall think fit, in

accepting a Conveyance of such Land for the Purposes aforesaid, under the Provisions of the herein-before recited Acts or any of them, to declare in such Conveyance, or by any other Instrument under their Common Seal, that such Land shall, after the Consecration thereof for the Purposes aforesaid, be and be deemed to be Part of the Parish or Parishes for the Use of which such Land shall have been so purchased or obtained, and, after Consecration, such Land shall be Part of such Parish or Parishes accordingly for the Purposes aforesaid.

Church of a District Parish may be resigned by the Incumbent of original Parish; such Resignation to operate in the same Manner as Avoidance of Church of the original Parish.

XV. And be it enacted, That when any District Parish has been or shall hereafter be formed, under the Provisions of the herein-before recited Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, it shall be lawful for the Incumbent of the Parish out of which such District Parish shall have been formed to resign voluntarily, with the Consent of the Bishop of the Diocese, the Church of such District Parish, and such Resignation shall have the same Effect as the Avoidance or Resignation of the Parish Church, with respect to the Performance of the Offices of the Church in the Church of such District Parish; and thereupon such District Parish, and the Church thereof, shall be a Perpetual Curacy and Benefice, and shall be subject to the same Laws as are in force with respect to District Parishes where an Avoidance or Resignation of the Church of the original Parish shall have taken place.

Boundaries of new Parishes or Districts may be altered, although Five Years may not have elapsed since such new Parishes or Districts were formed.

XVI. And be it enacted, That, any thing in the herein-before recited Act passed in the Third and Fourth Year of Her present Majesty to the contrary notwithstanding, it shall be lawful for Her Majesty's said Commissioners at any Time to alter the Boundaries of a distinct and separate Parish, District Parish, District Chapelry, or consolidated Chapelry, although Five Years may not have elapsed since the Description of such Boundaries has been enrolled in the High Court of Chancery, or registered in the Registry of the Diocese; provided that such Alteration of Boundaries shall be subject to the same Provisions, except as herein excepted, as are contained relative thereto in the herein-before recited Acts.

Church of a District Chapelry and Church augmented by the Ecclesiastical Commissioners for England to be a Perpetual Curacy, and Minister a Perpetual Curate.

XVII. And be it enacted, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, That the Church of any District Chapelry formed or to be hereafter formed under the Provisions thereof, although such Church may not have been augmented by the Governors of the Bounty of Queen *Anne*, and also any Church now or hereafter to be augmented by any Order of Her Majesty in Council ratifying any Scheme of the Ecclesiastical Commissioners for *England*, and with a District Chapelry assigned thereto, shall be and is hereby declared to be a Perpetual Curacy and Benefice, and the Licence thereto shall operate in the same Manner as Institution to any Benefice, and the Minister duly nominated and licensed thereto, and his Successors, shall not be a Stipendiary Curate, but shall be and be esteemed in Law to be a Perpetual Curate, and Body Politic and Corporate, with perpetual Succession, and he and his Successors may receive, take, and hold to himself and themselves all such Lands, Tithes, and Rentcharges

charges as shall be granted unto or purchased for him or them by the said Ecclesiastical Commissioners for *England*, or otherwise, in the same Manner as any other Incumbent is by Law entitled to do; and such Perpetual Curate shall thenceforth have, within and over the District Chapelry so assigned, sole and exclusive Cure of Souls, and shall not be in anywise subject to the Control or Interference of the Rector, Vicar, or Minister of the Parish or Place from which such District Chapelry shall have been taken, any Law or Statute to the contrary notwithstanding, save and except as to any *Easter* Dues and Offerings which would not belong to the Perpetual Curate of such District Chapelry if this Act had not been passed, and save and except also as to the Fees, if any, reserved to the said Incumbent on the Assignment of such District Chapelry, which shall still continue to belong to and shall be paid over to him by the Perpetual Curate of such District Chapelry according to such Reservation: Provided always, that nothing herein contained shall alter or affect the Right of Nomination or Appointment belonging or hereafter to belong to any Corporate Body or Person in respect to the Church of any such District Chapelry.

Licence of Minister of a new Church (without a District) not void by reason of the Avoidance of the Parish Church, unless revoked by Bishop.

XVIII. And be it enacted, That the Licence of the Minister appointed to serve a new Church (without a District) already or to be hereafter built, wholly or in part, by means of any Monies at the Disposal of Her Majesty's said Commissioners, under the Provisions of the herein-before recited Acts or any of them, shall not be rendered void by reason of the Avoidance of the Parish Church of the Parish in which such new Church is situate, unless such Licence shall be revoked by the Archbishop or Bishop who may have granted the same, or by the Successor of such Archbishop or Bishop.

The Purchase Money of Lands sold under the Provisions of recited Acts need not be paid into Bank of England, though it may amount to or exceed 200*l.*, but may be paid to Trustees.

XIX. And be it enacted, That, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, it shall not be necessary to pay into the Bank of *England* any Sums of Money to be paid for any Lands or Hereditaments to be purchased or acquired by virtue of such Acts or any of them, although the same may amount to or exceed Two hundred Pounds (unless Her Majesty's said Commissioners shall require such Sums to be paid into such Bank), but the same may be invested in the Names of Trustees, as in the said Act is provided in the Cases when the Amount thereof shall be under the Sum of Two hundred Pounds; and in any Declaration of Trust to be made of any such Monies the said Commissioners may make such special Provisions for the Investment of such Monies, and the Appointment of new Trustees thereof, or otherwise, as they shall think fit.

The Purchase Money of Lands sold under 58 G. 3. c. 45. and belonging to an Incumbent in right of his Living, may be paid

XX. And be it enacted, That in every Case in which Land or other Hereditaments belonging to an Incumbent in right of his Church shall be sold and conveyed by him to Her Majesty's said Commissioners, and in which the Purchase Money is, under the Provisions of the herein-before recited Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, directed to be paid into the Bank of *England*, or invested in the Names of Trustees, such Purchase Money shall, instead of being paid into the

Bank

Bank of *England*, or invested in the Names of Trustees, be paid to the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, and be appropriated by the said Governors to the Benefice to which the Land or other Hereditaments so sold shall have belonged, and shall be applicable and disposable by the said Governors to and for the Benefit and Augmentation of such Benefice, in such and the same Manner, and with such and the same Powers of Investment in the Purchase of Land, and Exchange for other Land and Hereditaments, and otherwise, and with other Powers and Authorities, in all respects, according to the Rules, Orders, and Constitutions for the Time being in force for the Management of the Bounty of Queen *Anne*, as if the Money so appropriated had been originally provided or appropriated by the said Governors, out of the Funds at their Disposal, for the Benefit and Augmentation of the same Benefice.

to and applied by the Governors of Queen Anne's Bounty for the Benefit of the Incumbent.

XXI. And be it enacted, That in all Cases in which Money shall be payable to the Governors of the Bounty of Queen *Anne* under the Provision last herein-before contained, such Money shall be paid to the Treasurer for the Time being of the said Governors; and the Receipt or Receipts of such Treasurer shall be an effectual Discharge or effectual Discharges for so much Money as in such Receipt or Receipts shall be expressed, to the Person or Persons paying the same; and after obtaining such Receipt or Receipts the Person or Persons paying such Money shall be absolutely discharged from all Liability touching such Money, and from all Trusts relating thereto.

Such Purchase Money to be paid to the Treasurer of Queen Anne's Bounty, and his Receipt shall be a valid Discharge.

XXII. And be it enacted, That where Her Majesty's said Commissioners shall have already formed or shall hereafter form any distinct and separate Parish, District Parish, or District Chapelry, under the Provisions of the herein-before recited Acts or any of them, or this Act, out of any Parish or extra-parochial Place, it shall be lawful for the Court of Chancery, any thing in the herein-before recited Acts to the contrary notwithstanding, on a Petition being presented to the said Court by any Two Persons resident in any such Parish or extra-parochial Place, (such Petition to be presented, heard, and determined according to the Provisions of an Act passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide a summary Remedy in Cases of Abuses of Trusts created for charitable Purposes*,) to apportion between the remaining Part of such Parish or Place and the distinct and separate Parish, or District Parish, or District Chapelry, any charitable Devises, Bequests, or Gifts which shall have been made or given to or for the Use of any such Parish or extra-parochial Place, or the Produce thereof, and in any such Case to direct that the Distribution of the Proportions of such Devises, Bequests, or Gifts, or the Produce thereof, as shall be so apportioned, shall be made and distributed by the Incumbent or Spiritual Person serving the Church, or by the Churchwardens of any such distinct and separate Parish, District Parish, or District Chapelry, either jointly or severally, as the said Court of Chancery may think expedient; and it shall also be lawful for the said Court of Chancery to apportion between

Apportionment of Bequests, &c., and also of Charges, to be made by the Court of Chancery.

52 G. 3. c. 101.

between the remaining Part of such Parish or Place as aforesaid, and such separate Divisions or Districts, any Debts or Charges which may have been before the Period of such Apportionment contracted or charged upon the Credit of any Church Rates in such Parish or Place; and all such Apportionments shall be registered in the Registry of the Diocese in which such Parish or Place shall be locally situate, and Duplicates thereof shall be deposited with the Churchwardens of such Parish or Place, and of each such Division or District as aforesaid, and in all such Cases the Costs shall be at the Discretion of the said Court; and such apportioned Debts or Charges shall be raised and paid by the Parish or Place in which they may be apportioned in such and the like Manner as the Entirety was to be raised and paid, or in such Manner and under such Provisions and Conditions as the said Court shall direct, and when any Securities may have been given for the same the Court may order new Securities to be given for the apportioned Debts by such Persons and Bodies, and in all respects as the said Court may direct, and all Securities shall be valid and binding; and the Powers and Authorities given to the said Commissioners by the herein-before recited Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, with respect to the Apportionment by them of such Devises, Bequests, Gifts, and Charges, shall, after the passing of this Act, with respect to the future Exercise of such Powers and Authorities, cease and determine.

Agreement as to Right of Nomination entered into before building or Consecration of any new Church to be binding.

XXIII. And be it enacted, That if before or during the building of any new Church, or previous to its Consecration, the Bishop of the Diocese and the Patron and Incumbent of the Parish in which such new Church has been or is intended to be built shall enter into an Agreement in Writing that the Right of Nomination to such new Church shall on its Consecration belong to and be exercised by any Body Corporate, Aggregate, or Sole, or by any Person or Persons, such Agreement shall be binding on such respective Parties, their Successors, Heirs, and Assigns, and they shall be compellable to fulfil the same.

Assent of the Commissioners to any Conveyance or other Instrument shall be testified by their Seal.

Unless so testified, the Instrument shall not be registered.

XXIV. And be it enacted, That no future Conveyance to be made to the said Commissioners in pursuance of the herein-before recited Acts or any of them, or any other future Instrument thereby directed to be made with their Privity or Assent, shall be valid and effectual unless and until the Assent thereto of the said Commissioners shall be testified by any Seal in use by them being affixed thereto; but after such Seal shall have been affixed to such Instrument, such Instrument shall take effect as from the making thereof; and no future Instrument to which such Seal is as aforesaid so directed to be affixed, and which is directed to be registered in the Registry of any Diocese, shall be so registered unless and until such Seal shall have been so affixed.

Application of former Church Building

XXV. And be it enacted, That the existing Powers, Privileges, and Authorities contained in the herein-before first-recited Acts or any of them may be used and applied for the Purpose of carrying this Act

or the said Acts respectively into execution, *mutatis mutandis*, so far as the same are applicable thereto, and are not inconsistent with or repugnant to the Provisions of this Act. Acts to this Act.

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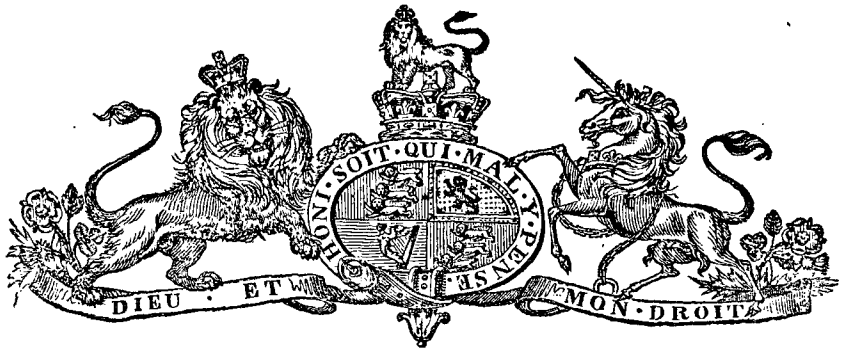

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXI.

An Act to extend certain Provisions in the Act for consolidating and amending the Laws relating to Highways in *England*. [31st *July* 1845.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* England, after reciting that under Acts of Parliament theretofore made, and which might thereafter be made, for the inclosing of waste Land, Parcels of Land had been and might be expressly allotted to Parishes, or to the Surveyor of the Highways, for the Purpose of obtaining Materials for the Repair of the Highways in such Parish, and the Materials in such Parcels of Land had been and might be exhausted, it was enacted, that in such Cases it should and might be lawful for the Surveyor of such Parish for the Time being, by and with the Consent of the Vestry, and he was thereby authorized and required, with the Consent in Writing of the Justices of the Peace at a Special Sessions for the Highways, to sell and convey to some Person whose Lands adjoin thereto, or, if he should refuse to purchase, to any other Person, the said Parcels of Land from which the said Materials had been so exhausted as aforesaid, at and for such Price as the said Justices might deem fair and reasonable, and with the Money arising therefrom, and with such Consent as aforesaid, 5 & 6 W. 4. c. 50.

aforesaid, to purchase other Lands in lieu thereof: And whereas it is desirable to extend the Provisions herein-before recited to other Cases than those mentioned in the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, the recited Act, and all the Provisions therein contained, shall apply and extend not only to the Lands in the said Act specified, but to all Lands belonging or which hereafter may belong to Parishes, or to the Surveyor of the Highways, for the Purposes aforesaid, which have been or hereafter shall be lawfully used for the Purpose of obtaining Materials for the Repair of the Highways in such Parish, the Materials in which Lands have been or hereafter may be exhausted.

Extending Provisions of recited Act.

Recited Act and this Act to be as One.

II. And be it enacted, That the said Act and this Act shall be construed together as One Act.

Alteration of Act.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXII.

An Act to render it unnecessary to keep up *Rothwell* Gaol, in the Honor of *Pontefract*, in the West Riding of the County of *York*.

[31st *July* 1845.]

WHEREAS the Queen's most Excellent Majesty, in right of Her Duchy of *Lancaster*, is seised of the Honor of *Pontefract*, in the West Riding of the County of *York*, and there now is within the said Honor a certain Common Gaol or Prison known by the Name of "*Rothwell* Gaol," and the recent Alterations in the Law relating to the Imprisonment of Debtors having caused the Number of Prisoners ordinarily confined in the said Gaol to be very small, it has become expedient that after the Period herein-after mentioned no Person or Persons should be committed into Custody to such Gaol, and that Persons committed into Custody from the Court Baron of the said Honor should be committed to and imprisoned in the County Gaol or Prison at *York* known by the Name of "*York* Castle:" And whereas Doubts have been entertained whether Commitments from the said Court Baron may lawfully be made to *York* Castle; and it is expedient that such Doubts should be removed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Conseut of the Lords Spiritual and

 Temporal

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on, from, and after the First Day of *February* which will be in the Year One thousand eight hundred and forty-six no Person or Persons shall be committed or ordered to stand committed into Custody by or from any of Her Majesty's Courts at *Westminster*, or the said Court Baron, or any other Court whatsoever, or by or under any Writ, Warrant, Precept of Execution, or Process whatsoever, to *Rothwell* Gaol, nor shall any Person or Persons (except as herein-after is excepted) be imprisoned therein, but the said Gaol (except so far as relates to any Person or Persons then in Custody therein) shall cease to be and to be used as a Gaol or Prison.

On and after 1st February 1846, no Person to be committed to Rothwell Gaol.

II. And be it enacted, That if on the said First Day of *February* there shall be, besides such Prisoner or Prisoners, if any, as shall then be in the Custody of the Keeper of *Rothwell* Gaol under any Process of the said Court Baron, any Prisoner or Prisoners in the Custody of the Keeper of *Rothwell* Gaol by or under any Writ, Warrant, Precept, or Process whatever, the said Keeper shall, within One Week from the said First Day of *February*, certify under his Hand to the Lord Chief Justice of the Court of Queen's Bench a true List containing the Name or Names of such Prisoner or Prisoners as last mentioned, with the Cause and Time of his or their Commitment respectively; and as soon thereafter as may be the said Lord Chief Justice shall issue his Warrant or Warrants under his Hand, directed to the Keeper of *Rothwell* Gaol, requiring him to convey to *York* Castle, and to deliver into the Custody of the Keeper of *York* Castle there, the said Person or Persons so as last aforesaid in his Custody, or such of them as shall be named in any such Warrant; and upon the Receipt of any such Warrant the Keeper of *Rothwell* Gaol shall, and he is hereby authorized and empowered so to do (unless the Person or Persons named in such Warrant shall before the Receipt of the same have been lawfully discharged out of his Custody), forthwith convey the said Person or Persons to *York* Castle, and there deliver him or them into the Custody of the Keeper of *York* Castle, together with the Warrant or Warrants of his or their Commitment respectively; and the Removal of any such Prisoner or Prisoners in obedience to the Warrant of the Lord Chief Justice as aforesaid shall not be construed to be an Escape; and the Keeper of *York* Castle shall receive the said Person or Persons from the Keeper of *Rothwell* Gaol, together with such Warrant or Warrants, and shall detain such Person or Persons in his Custody in obedience to such Warrant or Warrants.

Prisoners from Courts at Westminster to be removed to York Castle, by Warrant of the Lord Chief Justice of the Queen's Bench.

III. And be it declared and enacted, That on, from, and after the said First Day of *February* (if on the said Day there shall be no Prisoner in the Custody of the Keeper of *Rothwell* Gaol, or if there shall then be any Prisoner or Prisoners in the Custody of the Keeper of *Rothwell* Gaol, so soon as there shall cease to be any such Prisoner or Prisoners in such Custody, by Removal in obedience to the Warrant of the Lord Chief Justice, or lawful Discharge of such Prisoner or Prisoners, as the Case may be respectively,) it shall not be necessary to repair, maintain, or keep up *Rothwell* Gaol, or to

Not necessary to keep up Rothwell Gaol.

maintain or keep up the Office or Offices of Keeper or Gaoler thereof, or any other Office of or in respect of the said Gaol; and the Liability (if any) of the Queen's most Excellent Majesty, Her Heirs, Successors, or Assigns, to repair, maintain, or keep up the same respectively, or to repair, maintain, or keep up any Gaol or Prison whatever within the Honor of *Pontefract*, or in respect of Her Majesty, Her Heirs, Successors, or Assigns, being seised of the said Honor, shall absolutely cease and determine.

Sheriff of York may enter the Liberty of Pontefract to execute against the Person.

IV. And be it enacted, That on, from, and after the said First Day of *February* the Sheriff for the Time being of the said County of *York* shall, and he is hereby authorized and empowered so to do, execute or cause to be executed within the Liberty and Franchise of the said Honor of *Pontefract* all Writs of Capias, or Capias ad satisfaciendum, and all other Writs, Precepts, or Process whatsoever against the Person, to the said Sheriff directed or sent, (whether such Writs, Precepts, or Process shall or shall not contain a Non omittas Clause,) in the same Manner, and to the same Extent, and by and under the same Powers and Liabilities, for all Purposes whatsoever, as if the Liberty and Franchise of the said Honor were not an ancient Liberty or Franchise having Execution or Return of Writs; and the Liability (if any) of the Bailiff for the Time being of the said Liberty, as Bailiff of the said Liberty, to execute or return any such Writ, Precept, or Process under or by virtue of any Mandate or Warrant to him made, sent, or directed by the said Sheriff shall absolutely cease and determine.

All Commitments within the said Honor may be made to York Castle, and Keeper thereof to receive such Persons into Custody.

V. And be it declared and enacted, That on, from, and after the said First Day of *February*, in every Case in which it shall be lawful to commit any Person or Persons, or to order any Person or Persons to stand committed, into Custody by or from the said Court Baron, or by or under any Precept of Execution, Warrant, or Process whatsoever of or from the same, it shall be lawful to commit any such Person or Persons into Custody to, or to order any such Person or Persons to stand committed into Custody to, and to imprison any such Persons or Persons in, *York* Castle; and the Keeper for the Time being of *York* Castle shall be and is hereby required to receive and take into Custody all Persons who shall be committed or ordered to stand committed to *York* Castle by or from the said Court Baron under or by virtue of this Act.

Provisions of 2 & 3 Vict. c. 85. to extend to Commitments from Court Baron under this Act.

VI. And be it enacted, That every Clause, Matter, and Thing contained in an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for the more easy and speedy Recovery of Small Debts and Damages within the Honor of* Pontefract, *Parcel of Her Majesty's Duchy of* Lancaster, *in the West Riding of the County of* York, *and for altering the Practice and extending the Jurisdiction of the Court Baron of the said Honor*, shall, so far as the same may be applicable thereto, be construed to extend to any Case in which any Person shall be committed or ordered to stand committed into Custody by or from the said Court Baron under or by virtue of this Act, in the same Manner and to the same Extent as if the Provisions of the said Act of the Third Year of the

Reign of Her present Majesty had been herein expressly contained and re-enacted.

Act not to affect Rights of Her Majesty in respect of the Honor.

VII. Provided always, and it is hereby expressly declared and enacted, That nothing in this Act contained shall be construed to restrain, diminish, or in any way affect (except so far as herein is expressly mentioned) any Franchise, Liberty, Right, Power, Privilege, or Authority before or at the Time of the passing of this Act held, possessed, or enjoyed by the Queen's most Excellent Majesty or Her Predecessors, or by any of Her Bailiffs or other Officers, over, in, or in respect of the said Honor of *Pontefract*.

Act not to affect 2 & 3 Vict. c. 85. except as expressly mentioned.

VIII. Provided also, and be it enacted, That nothing in this Act contained shall be construed to repeal, alter, or in any way affect (except so far as herein is expressly mentioned) the said Act of the Third Year of the Reign of Her present Majesty, or any Power given in the said Act of committing from the said Court Baron to any Common Gaol other than *Rothwell* Gaol, or in any way to affect the Validity of the Commitment, Custody, or Imprisonment of any Person or Persons committed to or in Custody in *Rothwell* Gaol before the said First Day of *February* which will be in the Year One thousand eight hundred and forty-six.

Alteration of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Public Act.

X. And be it enacted, That this Act shall be and be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges and others.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXIII.

An Act to enable the Commissioners of Her Majesty's Woods and Works to apply certain Monies now in their Hands towards discharging the Incumbrances affecting the *Shrewsbury* and *Holyhead* Road. [31st *July* 1845.]

WHEREAS under and by virtue of divers Acts of Parliament certain Sums of Money have from Time to Time been granted to the Commissioners or Trustees having the Care and Management of the Road from *London* to *Holyhead*, and the Bridge across the *Menai Straits*, and the Harbour of *Holyhead*, for the Formation, Maintenance, and Repair of the said Road, Bridge, and Harbour, or certain Parts thereof respectively, but the whole of such Sums have not been required for the Purposes for which the same were respectively granted, and there is now standing in the Bank of *England*, to the Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as the Balance of the unapplied Portions of such Sums, together with the Accumulations of Interest or other Income thereon, and the Balance of the Harbour Dues and other Income arising in the said Harbour of *Holyhead*, the Sum of Eleven thousand nine hundred and ten Pounds Seventeen Shillings and Ten-pence, or thereabouts: And whereas the Tolls arising from the Line of Road

from *Shrewsbury* to *Holyhead* are subject to divers Mortgage Charges to the Amount of Fifteen thousand two hundred and seventy-seven Pounds Nine Shillings, or thereabouts, imposed thereon from Time to Time by the Trustees for the Time being in whom the said Line of Road was vested, and such Mortgage Charges bear Interest after the Rate of Five Pounds *per Centum per Annum:* And whereas it is expedient that the said unapplied Balance of Eleven thousand nine hundred and ten Pounds Seventeen Shillings and Ten-pence should be made available for the Discharge of some of the said Mortgage Charges herein-before mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, or any Two of them, to pay or apply all or any Part of the said Sum of Eleven thousand nine hundred and ten Pounds Seventeen Shillings and Ten-pence, such Balance as aforesaid, in Payment and Discharge of the said Mortgage Charges herein-before mentioned, or any of them, or any Arrears of Interest in respect of the same; and any such Mortgage Charges may be paid on such Evidence or on such Indemnity as the said Commissioners, or any Two of them, may think fit.

Balance of Monies granted for London and Holyhead Road to be applied in paying off Mortgage Charges upon Shrewsbury and Holyhead Road.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

Alteration of Act.

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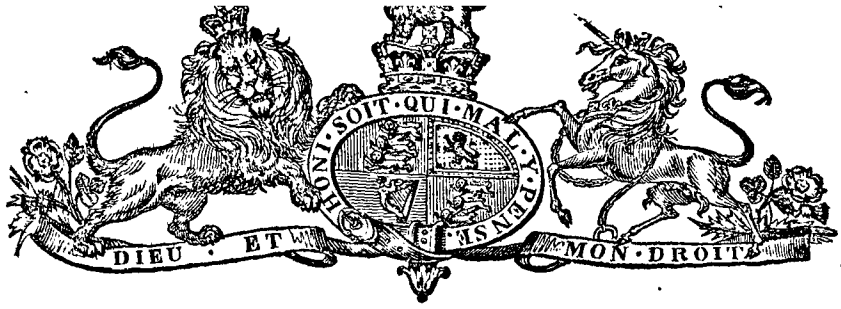

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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Tickets, Chances, or Shares, thereof or therein, every Person so offending shall for every such Offence forfeit the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record in *Westminster* or *Dublin* respectively, or in the Court of Session in *Scotland*, one Moiety thereof to the Use of His Majesty, His Heirs and Successors, and the other Moiety thereof to the Use of the Person who shall inform or sue for the same: And whereas the Printers, Publishers, and Proprietors of divers Newspapers have inadvertently printed and published some Advertisements or Notices of or relating to the Matters in the said Act mentioned, or some of them, and many Actions, Suits, Informations, and Prosecutions have been brought and commenced against such Printers, Publishers, and Proprietors, or some of them, by Persons who sue, inform, and prosecute, as well on their own Behalf as on behalf of Her Majesty, to recover various Penalties incurred or alleged to have been incurred under the Provisions of the said Act; and it is expedient that all further Proceedings in such Actions, Suits, Informations, and Prosecutions should be prevented, and such other Provision made in relation thereto and otherwise as is herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately from and after the passing of this Act it shall be lawful for any Person or Persons against whom any original Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, on or before the Day of the passing of this Act, for the Recovery of any pecuniary Penalty or Penalties incurred under the said Act, except in the Cases herein-after provided, to apply to the Court in which such original Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or, if such Court shall not be sitting, to any Judge of either of the Superior Courts at *Westminster* or *Dublin* respectively, or to any Judge of the Court of Session in *Scotland*, (as the Case may have arisen in *England*, *Ireland*, or *Scotland* respectively,) for an Order that such Writ, Suit, Action, Bill, Plaint, or Information shall be discontinued, upon Payment of the Costs incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Courts respectively; and every such Court aforesaid is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Plaintiffs, or to his or their Attorney, of the Application, to make such Order as aforesaid; and upon the making of such Order, and Payment or Tender of such Costs as aforesaid, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

Persons sued before the passing of this Act for Penalties incurred under the recited Act may apply to the Court or a Judge to stay Proceedings on certain Conditions.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to any Action, Suit, Bill, Plaint, or Information in which any Judgment or Conviction shall have passed on or before the Day of the passing of this Act, or to any Action, Suit, Bill, Plaint, or Information which shall have been or shall be commenced, prosecuted, entered, or filed

Not to extend to Actions in which Judgment has been obtained, &c.

by or in the Name of Her Majesty's Attorney General or Solicitor General in that Part of *Great Britain* called *England*, or Her Majesty's Attorney or Solicitor General for *Ireland*, or Her Majesty's Advocate for *Scotland*, for or on behalf of Her said Majesty.

Penalties incurred under said Act to go wholly to Her Majesty.

III. And be it enacted, That from and after the passing of this Act all Fines, Penalties, and Forfeitures imposed by or incurred or which may be incurred under the said recited Act shall go and be applied to the Use of Her Majesty, Her Heirs and Successors.

Fines, &c. may be sued for in the Name of the Attorney or Solicitor General in England or Ireland, or Her Majesty's Advocate for Scotland, &c.

IV. Provided always, and be it enacted, That from and after the passing of this Act every such Fine, Penalty, or Forfeiture may be sued or prosecuted for, in the Name of Her Majesty's Attorney General or Solicitor General in *England* or *Ireland*, or of Her Majesty's Advocate General or Solicitor General in *Scotland*, or of the Solicitor of Stamps and Taxes in *England* or *Scotland*, or of the Solicitor of Stamps in *Ireland*, or of any Person to be authorized to sue or prosecute for the same by Writing under the Hands of the Commissioners of Stamps and Taxes, or in the Name of any Officer of Stamp Duties, by Action of Debt, Bill, Plaint, or Information in the Court of Exchequer at *Westminster* in respect of any Fine, Penalty, or Forfeiture incurred in *England*, and in the Court of Exchequer in *Dublin* in respect of any Fine, Penalty, or Forfeiture incurred in *Ireland*, and in the Court of Exchequer in *Scotland* in respect of any Fine, Penalty, or Forfeiture incurred in *Scotland;* and, except as is herein-before provided, it shall not be lawful for any Person other than as aforesaid to inform, sue, or prosecute for any such Fine, Penalty, or Forfeiture as aforesaid: Provided always, that in no such Proceeding as aforesaid shall any Essoign, Protection, Wager at Law, nor more than One Imparlance, be allowed.

Alteration of Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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excepted from the personal Actions in which it is lawful to pay Money into Court, under an Act passed in the Session of Parliament held in the Fourth Year of His late Majesty, intituled *An Act for the further Amendment of the Law, and the better Advancement of Justice:* And whereas the said Act of the Fourth Year of the Reign of His late Majesty relates only to Proceedings in the Superior Courts in *England*, but by an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for the further Advancement of Justice, in* Ireland, a like Provision is made for Payment of Money into Court in all personal Actions pending in any of the Superior Courts in *Ireland* as is contained in the said Act of the Fourth Year of the Reign of His late Majesty in regard to Actions pending in the Superior Courts in *England*, with a like Exception of Actions for Libel; and it is expedient to prevent any Doubts as to the Application of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty to Actions pending in the Superior Courts in *Ireland*, which may be created by reason of the Omission of a Reference in the last-mentioned Act to the said Act of the Third and Fourth Years of the Reign of Her present Majesty: Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when in any Action pending in the Superior Courts in *Ireland* for a Libel contained in any public Newspaper or other periodical Publication the Defendant shall plead the Matters allowed to be pleaded by the said first-mentioned Act, and shall on filing such Plea pay Money into Court as provided by such Act, such Payment into Court shall be of the same Effect, and be available in the same Manner and to the same Extent, and be subject to the same Rules and Regulations now in force or hereafter to be made as to Payment of Costs and the Form of Pleading, except so far as regards the pleading of the additional Facts so required to be pleaded by such Defendant, as if Actions for Libel had not been excepted from the personal Actions in which it is lawful to pay Money into Court under the said recited Act of the Third and Fourth Years of the Reign of Her present Majesty.

3 & 4 W. 4. c. 42.

3 & 4 Vict c. 105.

In Cases of Action for Libel in Ireland, where Defendant shall plead Matters allowed by 3 & 4 W. 4. c. 42. and pay Money into Court, such Payment to be of same Effect as if required by said Act.

II. And be it declared and enacted, That it shall not be competent to any Defendant in such Action, whether in *England* or in *Ireland*, to file any such Plea, without at the same Time making a Payment of Money into Court by way of Amends as provided by said Act, but every such Plea so filed without Payment of Money into Court shall be deemed a Nullity, and may be treated as such by the Plaintiff in the Action.

Defendant not to file such Plea without paying Money into Court by way of Amends.

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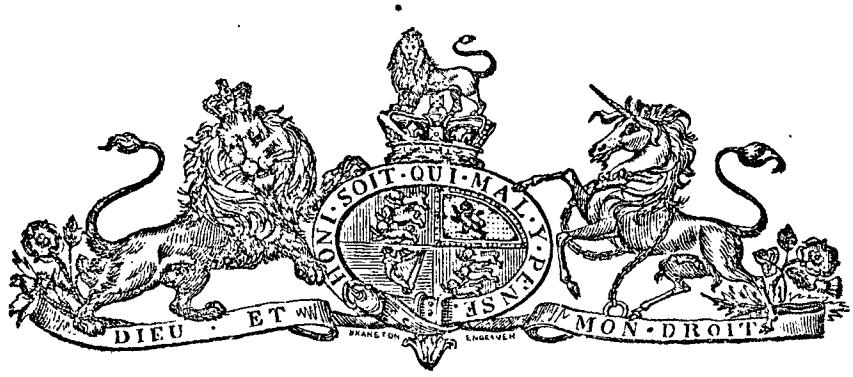

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXVI.

An Act to increase the Stamp Duty on Licences to Appraisers; to reduce the Stamp Duties on Registry Searches in *Ireland;* to amend the Law relating to the Duties on Legacies; and also to amend an Act of the last Session of Parliament, for regulating the Issue of Bank Notes in *England.* [4th *August* 1845.]

WHEREAS under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in* Great Britain, *and for granting other Duties in lieu thereof,* certain Stamp Duties specified and contained in a Schedule to the said Act annexed were granted and made payable in *Great Britain,* and (amongst others) the Duty of Ten Shillings for and in respect of a Licence to use and exercise 55G.3.c.184.

exercise the Calling or Occupation of an Appraiser, to be taken out yearly by every Person who shall exercise the said Calling or Occupation, or make any Appraisement or Valuation charged by the said Act with a Duty, for or in expectation of any Gain, Fee, or Reward, except licensed Auctioneers: And whereas under and by virtue of an Act passed in the Fifth and Sixth Years of Her present Majesty's Reign, intituled *An Act to assimilate the Stamp Duties in* Great Britain *and* Ireland, *and to make Regulations for collecting and managing the same until the Tenth Day of* October *One thousand eight hundred and forty-five*, the Stamp Duties granted and then payable in *England* under or by virtue of the said first-recited Act were extended to and made payable in *Ireland* for a Term limited by the said last-recited Act, in lieu of certain Stamp Duties thereby repealed, and the same Duties have been granted and continued and are now payable in *Ireland* for a further Term, under and by virtue of an Act passed in this present Session of Parliament, intituled *An Act to continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in* Great Britain *and* Ireland, *and to make Regulations for collecting and managing the same until the Tenth Day of* October *One thousand eight hundred and forty-five*: And whereas it is expedient to increase the Duty in respect of Licences to be taken out by Appraisers in *Great Britain* and *Ireland* respectively: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Duty now payable in *Great Britain* and *Ireland* respectively under or by virtue of the said several recited Acts or any of them, for or in respect of a Licence to use and exercise the Calling or Occupation of an Appraiser, shall cease and determine, and the same is hereby repealed; and that in lieu thereof there shall be granted, raised, levied, collected, and paid in *Great Britain* and *Ireland* respectively, unto and for the Use of Her Majesty, Her Heirs and Successors, the Duty of Two Pounds.

5 & 6 Vict. c. 82.

8 & 9 Vict. c. 2.

Stamp Duty on Appraisers Licences repealed, and an increased Duty thereon granted in lieu.

For and in respect of a Licence to use and exercise the Calling or Occupation of an Appraiser, to be taken out yearly by every Person (except a licensed Auctioneer) who shall exercise the said Calling or Occupation of an Appraiser, or who, for or in expectation of any Gain, Fee, or Reward, shall make any Appraisement or Valuation chargeable by Law with any Stamp Duty.

Stamp Duties payable in Ire-

II. And whereas under and by virtue of the said several recited Acts certain Duties have been granted and are now payable in *Ire-*

land in respect of Searches in the Office for the Registry of Deeds, and it is expedient to repeal the same, and to grant other and reduced Duties in lieu thereof; be it therefore enacted, That from and after the passing of this Act the several and respective Stamp Duties now payable in *Ireland* under or by virtue of the said several recited Acts or either of them, in respect of Searches in the Office for the Registry of Deeds, (that is to say,) for or in respect of "any Copy or Extract of any Memorial, or of the Registry of any Memorial, registered pursuant to any Act of Parliament made for the public registering of Deeds and Conveyances," or for or in respect of "every Piece of Vellum, Parchment, or Paper upon which any such Copy or Extract shall be written after the first," shall cease and determine in *Ireland*, save and except such of the said Duties or so much or such Part or Parts thereof as have become due and payable and now remain in arrear and unpaid; and that in lieu of the said Duties so hereby repealed as last mentioned there shall be granted, raised, levied, collected, and paid in *Ireland*, unto and for the Use of Her Majesty, Her Heirs and Successors, the several Duties next herein-after mentioned; (that is to say,)

Land on Registry Searches repealed, and reduced Duties granted in lieu thereof.

For and in respect of Extracts or Abstracts from Deeds or other Acts issued from the Office for Registry of Deeds and so forth, called the Registry Office, and commonly called a Common Search, and whether such Search shall contain the Extract from any Deeds or Deed or not, and whether the same be signed by or on behalf of any Officer or Clerk belonging to such Office or not;

For each Sheet or Piece of Paper on which such Search, Extract or Extracts, Abstract or Abstracts, shall be written, the Sum of Three Shillings:

And for and in respect of Searches for Deeds, or Abstracts or Extracts from Deeds, or other Acts, issued from the Office for registering Deeds, called the Register Office, commonly called a Negative Search;

For each Copy of any Deed or Memorial, or for each Extract or Abstract from any Deed or Memorial, which such Negative Search shall give or contain, the Sum of Three Shillings;

And on the Officer's Certificate on such Search, over and above all other Duties, the Sum of Ten Shillings.

III. And be it enacted, That the said several Duties by this Act granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps and Taxes for the Time being; and that all the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains,

Powers and Provisions of former Acts to be applied to the Duties granted by this Act.

Pains, and Penalties, contained in or imposed by the several former Acts of Parliament relating to any prior Duties of the same Kind or Description in *Great Britain* and *Ireland* respectively, and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, and Paper, Articles, Matters, and Things, charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise in relation thereto, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted with reference to the said Duties by this Act granted.

Certain Gifts by Will or Testamentary Instrument to be deemed Legacies.

IV. And whereas under or by virtue of the said several recited Acts certain Duties have been granted and are now payable in *Great Britain* and *Ireland* respectively upon Legacies, and Doubts have been entertained whether certain Gifts by Will or Testamentary Instrument are Legacies liable to the said Duties, and it is expedient to remove such Doubts; be it therefore enacted, That from and after the passing of this Act every Gift by any Will or Testamentary Instrument of any Person, which by virtue of any such Will or Testamentary Instrument is or shall be payable, or shall have Effect or be satisfied out of the Personal or Moveable Estate or Effects of such Person, or out of any Personal or Moveable Estate or Effects which such Person hath had or shall have had Power to dispose of, or which Gift is or shall be payable or shall have Effect or be satisfied out of or is or shall be charged or rendered a Burden upon the Real or Heritable Estate of such Person, or any Real or Heritable Estate, or the Rents or Profits thereof, which such Person hath had or shall have had any Right or Power to charge, burden, or affect with the Payment of Money, or out of or upon any Monies to arise by the Sale, Burden, Mortgage, or other Disposition of any such Real or Heritable Estate, or any Part thereof, whether such Gift shall be by way of Annuity or in any other Form, and also every Gift which shall have Effect as a Donation *mortis causâ*, shall be deemed a Legacy within the true Intent and Meaning of all the several Acts granting or relating to Duties on Legacies in *Great Britain* and *Ireland* respectively, and shall be subject and liable to the said Duties accordingly: Provided always, that no Sum of Money which by any Marriage Settlement is or shall be subjected to any limited Power of Appointment to or for the Benefit of any Person or Persons therein specially named or described as the Object or Objects of such Power, or to or for

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for the Benefit of the Issue of any such Person or Persons, shall be liable to the said Duties on Legacies under the Will in which such Sum is or shall be appointed or apportioned in exercise of such limited Power.

Provision for Recovery and Application of Penalties under 7 & 8 Vict. c. 32.

V. And whereas an Act was passed in the last Session of Parliament, intituled *An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of* England *certain Privileges for a limited Period*, and certain Penalties are thereby imposed for Offences against the Provisions of the same Act, and it is expedient to provide for the Recovery and Application of such Penalties; be it therefore enacted, That from and after the passing of this Act all pecuniary Penalties imposed by or incurred under the said last-recited Act may be sued or prosecuted for and recovered, for the Use of Her Majesty, in the Name of Her Majesty's Attorney General or Solicitor General, or of any Person authorized to sue or prosecute for the same, by Writing under the Hands of the Commissioners of Stamps and Taxes, or in the Name of any Officer of Stamp Duties, by Action of Debt, Bill, Plaint, or Information in the Court of Exchequer at *Westminster*, in such and the same Manner as any Penalties imposed by any of the Laws now in force relating to the Duties under the Management of the said Commissioners; and it shall be lawful in all Cases for the said Commissioners, either before or after any Proceedings commenced for Recovery of any such Penalty, to mitigate or compound any such Penalty as they shall think fit, and to stay any such Proceedings after the same shall have been commenced, and whether Judgment may have been obtained for such Penalty or not, on Payment of Part only of any such Penalty, with or without Costs, or on Payment only of the Costs incurred in such Proceedings, or of any Part thereof, or on such other Terms as such Commissioners shall judge reasonable: Provided always, that in no such Proceeding as aforesaid shall any Essoign, Protection, Wager of Law, or more than One Imparlance, be allowed; and all pecuniary Penalties imposed by or incurred under the said last-recited Act, by whom or in whose Name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the Use of Her Majesty, and shall be deemed to be and shall be accounted for as Part of Her Majesty's Revenue arising from Stamp Duties, any thing in any Act contained, or any Law or Usage, to the contrary in anywise notwithstanding: Provided always, that it shall be lawful for the said Commissioners, at their Discretion, to give all or any Part of such Penalties as Rewards to any Person or Persons who shall have detected the Offenders, or given Information which may have led to their Prosecution and Conviction.

Alteration of Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXVII.

An Act to make further Regulations respecting the Tickets of Work to be delivered to Persons employed in the Manufacture of Hosiery, in certain Cases. [4th *August* 1845.]

WHEREAS by an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen*, it was enacted, amongst other things, that "with every Piece of Work given out by the Manufacturer to a Workman to be done there shall (if both Parties are agreed) be delivered a Note or Ticket in such Form as the said Parties shall mutually agree upon:" And whereas it is expedient that, so far as relates to Persons employed in the Woollen, Worsted, Linen, Cotton, and Silk Hosiery Manufactures, such further Provision should be made for Delivery to them of a Note or Ticket of Work as herein-after is expressed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* in the Year One thousand eight hundred and forty-six, when any Manufacturer of

5 G. 4. c. 96.

Manufacturer to deliver with

Materials a Ticket of Work.

of Hosiery, or the Agent of any such Manufacturer, gives out to a Workman the Materials to be wrought, such Manufacturer or Agent shall at the same Time deliver to such Workman a printed or written Ticket, signed by such Manufacturer, containing the Particulars of the Agreement between such Manufacturer and such Workman, as in the Schedule to this Act annexed; and such Manufacturer or Agent delivering such Ticket shall make or cause to be made, and shall preserve until the Work contracted to be done shall have been completed or paid for, a Duplicate of such Note or Ticket.

Ticket to be Evidence.

II. And be it enacted, That in the event of any Dispute between the Manufacturer or his Agent and the Workman, such Ticket, and the said Duplicate thereof, shall be required to be produced, and shall, together or either of them, be Evidence of all things mentioned therein or respecting the same.

When Dispute arises as to imperfect Execution the Work to be produced.

III. Provided always, and be it enacted, That where the Subject of Dispute relates to the alleged improper or imperfect Execution of any Work delivered to a Manufacturer or his Agent, such Piece of Work shall be produced in order to Adjudication, or if not produced shall be deemed and taken to have been sufficiently and properly executed.

Penalty on Manufacturer for Non-delivery of Ticket.

IV. And be it enacted, That if any Manufacturer or Agent shall neglect or refuse to deliver such Ticket to such Workman as aforesaid with the Materials so given out, and if such Workman shall complain thereof to any Justice of the Peace having Jurisdiction in the Place where the Materials shall have been delivered out or where the Workman shall reside, such Justice may summon such Manufacturer or Agent to attend before Two Justices at a Time or Place appointed for hearing the Complaint, and set forth in the Summons; and if the Person to whom such Summons so directed appears according to the Tenor thereof, or if he does not appear, and the due Service of the Summons is proved, the said Justices may proceed to hear and determine the Complaint; and if such Neglect or Refusal as aforesaid be proved, either by the Confession of the Party complained against, or by the Oath of the Complainant or of any other credible Witness or Witnesses, such Justices may convict such Offender, and may upon such Conviction adjudge him to pay such Penalty not exceeding Five Pounds, together with the Costs attending the Conviction, as such Justices shall think fit, and the Party so adjudged to pay such Penalty and Costs shall pay the same accordingly: Provided always, that in all Convictions of Adjudications under this Act One at least of the convicting or adjudicating Justices shall be a Person not engaged in any Manufacture, Trade, Occupation, or Employment to which this Act extends, and shall not be the Father, Son, or Brother of any such Person.

Power of summoning Witnesses.

V. And be it enacted, That if any of the Parties to the said Complaint shall make Oath before any Justice having cognizance of such Complaint that he or she believes that the Attendance of any Person

as a Witness will be material to the hearing of such Complaint, such Justice may summon such Person, having been paid or tendered a reasonable Sum for his Expences, to appear and give Evidence on Oath at a Time and Place set forth in the said Summons; and if any Person so summoned shall not appear at the Time and Place set forth in the said Summons, and shall not make excuse for the Default to the Satisfaction of the Justices there present, and if the due Service of the Summons be proved, or if such Person appearing according to the Summons shall not submit to be examined as a Witness, then such Justices may adjudge such Person so making default in appearing or refusing to give Evidence to pay such Penalty not exceeding Two Pounds as such Justices shall think fit, and the Party so adjudged to pay such Penalty shall pay the same accordingly.

Service of Summons.

VI. And be it enacted, That every Summons required by this Act shall be served by delivering the same to the Person summoned, or by leaving the same at his or her usual Place of Abode, Twenty-four Hours at least before the Time appointed by the Summons for such Person to appear.

Levying and Application of Penalty.

VII. And be it enacted, That if any such Penalty or Costs so adjudged by any Justices to be paid is not paid immediately upon Adjudication, such Justices may issue their Warrant to distrain and sell the Goods and Chattels of the Person so adjudged to pay the same, for the Amount thereof, with Costs; and the Proceeds of such Distress, after paying the Penalty and Costs, and the Costs of such Distress and Sale, shall be paid over to the Person convicted; and the said Penalty shall be paid over to the Sheriff or other proper Officer of the County, City, Borough, or Place in which such Conviction shall take place, for Her Majesty's Use, and shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.* 3 G. 4. c. 46.

No Certiorari allowed, nor Distress unlawful for Want of Form.

VIII. And be it enacted, That no Order or Conviction, or Proceeding touching the same respectively, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and that when any Distress shall have been made for levying any Money by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same a Trespasser, on account of any Defect or Want of Form in the Summons, Warrant, Conviction, Warrant of Distress, or other Proceedings in relation thereto, nor shall the Party distraining be deemed a Trespasser from the Beginning on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for special Damage (if any) by Action on the Case.

Interpretation of Act.

IX. And be it enacted, That the Word "Manufacturer" in this Act shall be understood to mean any Person furnishing the Materials of Work to be wrought into Hosiery Goods, to be sold or disposed of

of on his own Account, and the Word "Agent" to include any Person conveying or delivering the same to the Workman, and the Word "Workman" any Person actually employed in the Manufacture of the same.

Alteration of Act.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE.

If the Material to be manufactured be into Stockings:

Gauge:
Ribbed or plain:
What Kind of Material:
Size:
Jacks in Width:
Mark:
Length of Leg:
Length of Foot:
Narrowings in Leg:
Narrowings in Heel:
Narrowings in Gusset:
Narrowings in Toe:
Dumps or Clocks:
Bound Heels or Toes:
Wrought Heels or Cut:
Wrought Feet or Cut:
Turnings in Leg:
Welted or not:
Weight per Dozen:
Price per Dozen Pair of making Legs:
Price per Dozen Pair of making Feet:
Name of Party putting out the Work:
Name of Artificer.

If the Material to be manufactured be into Socks:

Gauge:
Ribbed or plain:
What Kind of Material:
Size:
Jacks in Width:
Mark:
Length of Leg with Top:
Length of Foot:
Narrowings in Heel;

Narrowings

Narrowings in Gusset:
Narrowings in Toe:
Cut or Wrought Heels:
Cut or Wrought Feet:
Price per Dozen Pair:
Name of Party putting out the Work:
Name of Artificer.

If the Material to be manufactured be into Gloves:

Gauge:
Ribbed or plain:
What Kind of Material:
Size:
Jacks in Width of Hand:
Jacks in Width of Finger:
Mark:
Length of Hand:
Length of Finger:
What Kind of Welts:
Plaited or not:
What Figure in Back of Hand:
Weight per Dozen:
Price per Dozen Pair of making Hands:
Price per Dozen Pair of making Fingers:
Name of Party putting out the Work:
Name of Artificer.

If the Material to be manufactured be into Shirts:

Gauge:
Ribbed or plain:
What Kind of Material:
Size:
Jacks in Width of Body:
Jacks in Width of Sleeve:
Mark:
Length of Body:
Length of Sleeve:
Fashioned or not:
Welted or not:
Weight per Dozen:
Price per Dozen of making Bodies:
Price per Dozen Pair of making Sleeves:
Name of Party putting out the Work:
Name of Artificer.

If the Material to be manufactured be into Caps:

Gauge:
Ribbed or plain:
Material:
Jacks in Width:
Fashion:

Striped or plain :
Weight per Dozen :
Price per Dozen :
Name of Party putting out the Work :
Name of Artificer.

If the Material to be manufactured be into any other Description of Hosiery :

Gauge :
Length :
Width :
Weight :
Price :
Fashion :
Name of Party putting out the Work :
Name of Artificer.

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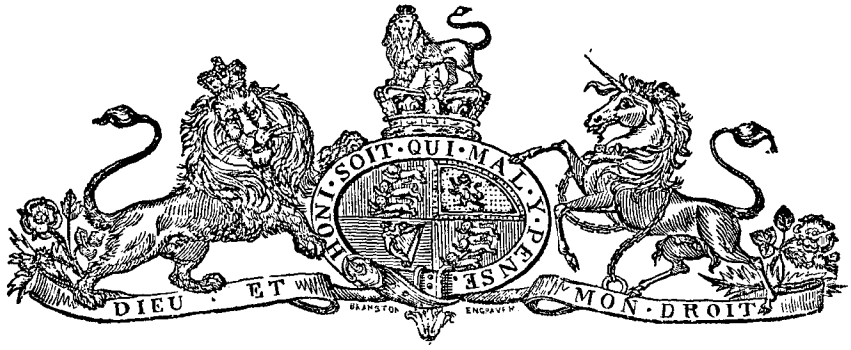

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXVIII.

An Act to provide for the Payment of Compensation Allowances to certain Persons connected with the Courts of Law in *England*, for Loss of Fees and Emoluments. [4th *August* 1845.]

WHEREAS the lawful Fees and Emoluments of the Clerks of Dispensations and Faculties in Chancery, the Registrar of the Cinque Ports, the Clerks of the Petty Sessions at *Deptford* and *Clapham*, who respectively held or do now hold their Offices for Life, have been either wholly abolished or greatly diminished by the Operation of certain Acts of Parliament, and Advances on account of Compensation have heretofore been made to some of them out of the Grants of Parliament for Civil Contingencies: And whereas it is reasonable and just that Compensation should be permanently allowed to the said Persons for the Loss which they have sustained, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority

Commissioners of Her Majesty's Treasury to investigate Claims of certain Officers, and award Compensation to them out of the Consolidated Fund.

of the same, That the Commissioners of Her Majesty's Treasury for the Time being shall investigate the Claims of the said Officers respectively by such Means and in such Manner as they may think proper; and if any such Claim shall be established to the Satisfaction of the said Commissioners or any Three of them they are hereby authorized and empowered to award to the Claimant, by Warrant under their Hands, such Compensation by way of Annuity as they shall, under all the Circumstances of the Case, think him entitled to for the Loss sustained; and such Compensation shall commence in each Case at such Time as the said Commissioners shall think proper, and shall be issued and paid and be payable out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that an Account of such Compensation shall be laid before the Commons House of Parliament within Fourteen Days after the Date of the Warrant, if Parliament shall be then assembled, and if not then within Fourteen Days after the meeting of Parliament then next following.

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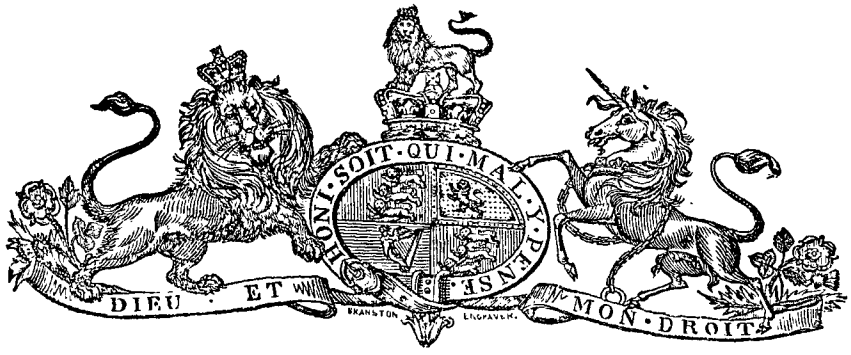

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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Recited Act continued.

and Commons, in this present Parliament assembled, and by the Authority of the same, That the first-mentioned Act shall continue in force until the First Day of *October* in the Year One thousand eight hundred and forty-six, and, if Parliament be then sitting, to the End of the then Session of Parliament.

Alteration of Act.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXX.

An Act for regulating the Criminal Jurisdiction of Assistant Barristers as to certain Counties of Cities and Counties of Towns in *Ireland*.

[4th *August* 1845.]

WHEREAS by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, it is, among other things, enacted, that it shall be lawful for Her Majesty, if She shall be pleased, upon the Petition of the Council of any Borough, except the City of *Dublin*, as therein mentioned, to grant that a separate Court of Quarter Sessions of the Peace, or a Court of Record, for the Trial of Civil Actions, shall thenceforward be holden in and for such Borough; and it is thereby also enacted, that after the First Day of *January* therein mentioned the Justices assigned or hereafter to be assigned to keep the Peace in and for the County in which any Borough is situated, to which Her Majesty shall not have granted that a separate Court of Sessions of the Peace shall be holden in and for the same, shall exercise the Jurisdiction of Justices of the Peace in and for such Borough, as fully as by Law they and each of them can or ought to do in and for the said County: And whereas Her Majesty has not hitherto granted that any such separate Court of Quarter Sessions of the Peace should be holden in any of the Counties of Cities or Counties of Towns in

3 & 4 Vict. c. 108.

 the

the Schedule to this Act annexed named: And whereas Doubts have arisen as to whether the said Counties of Cities and Counties of Towns are included in the said last-recited Provision of the said recited Act; and it is expedient to provide for the holding of General or Quarter Sessions of the Peace in and for the said Counties of Cities and Counties of Towns: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

The Criminal Jurisdiction of the Assistant Barristers for the Counties named in the Schedule extended to the Counties of Cities and Towns therein named;

That from and after the passing of this Act, and until Her Majesty shall be pleased to grant that a separate Court of General or Quarter Sessions of the Peace shall be holden in and for the said Counties of Cities or Counties of Towns respectively as aforesaid, the respective Assistant Barristers for the Time being of the respective Counties named in the First Column of the Schedule to this Act annexed shall be Justices of the Peace in and for the respective Counties of Cities and Counties of Towns named in the Second Column of the said Schedule, in conjunction with such respective Counties at large in the said Schedule, and whereof they respectively are or shall be Assistant Barristers; and that the said Assistant Barristers shall have in the said Counties of Cities and Counties of Towns all such and the same Powers, Privileges, and Authorities respectively as they respectively have in and for the said respective Counties in the said First Column mentioned, and shall and may exercise such Jurisdiction, Powers, and Authorities, either alone or together with the Justices assigned to keep the Peace within the said respective Counties of Cities and Counties of Towns; and that a General or Quarter Sessions of the Peace shall be from Time to Time holden in and for the said respective Counties of Cities and Counties of Towns on the Day next but one before the Commencement of or immediately after the Termination of the General or Quarter Sessions of the Peace, or any Adjournment thereof, for the Division of the said respective Counties at large, within which or next adjacent whereto the said respective Counties of Cities or Counties of Towns are situate; and that from and after the passing of this Act such General or Quarter Sessions of the Peace so to be holden respectively in and for the said Counties of Cities and Counties of Towns, and also all adjourned Sessions thereof, shall, as to all Matters and Things arising within such Counties of Cities and Counties of Towns respectively, or within Five hundred Yards of the Boundaries thereof, have, use, and exercise all and every the same Jurisdictions, Powers, and Authorities as fully and effectually to all Intents and Purposes as any General or Quarter Sessions of the Peace holden in and for any County at large can or may have, use, or exercise in respect of Matters and Things arising within such County at large, and also all such further and other Jurisdictions, Powers, or Authorities as were by any Act or Acts of Parliament now in force at any Time heretofore granted to or vested in the General or Quarter Sessions of the Peace of the said Counties of Cities or Counties of Towns respectively of right holden within the said Counties of Cities and Counties of Towns respectively, before the passing of the said herein-before in part recited Act passed in the said Third and Fourth Years of the Reign of our said Lady the

and General Sessions of the Peace to be held for such Counties of Cities and Towns.

Queen; and the Jurors returned to serve at each of such General or Quarter Sessions of the Peace, or Adjournment thereof, for such respective Counties of Cities and Counties of Towns shall be returned from the Body of such County of a City or County of a Town respectively; and it shall be lawful for such respective Assistant Barristers or the Justices of the Peace, at such respective General or Quarter Sessions of the Peace, to commit such Persons liable to Imprisonment as shall be convicted before them, or such Persons as shall be otherwise liable to Imprisonment, to the respective Prisons of such respective Counties of Cities and Counties of Towns.

General or Quarter Sessions heretofore held in Counties of Cities and Towns by Assistant Barristers to be valid.

II. And whereas, since the passing of the said recited Act, some of the said Assistant Barristers for the said respective Counties at large have acted as Justices of the Peace in and for, and have as such Justices held or presided or attended at General or Quarter Sessions of the Peace in and for the respective Counties of Cities and Counties of Towns named in conjunction with such respective Counties at large in the said Schedule, and it is expedient that the Acts, Matters, and Things so done by the said respective Assistant Barristers should be deemed to have been good, valid, and effectual; be it therefore enacted, That any and every General or Quarter Sessions of the Peace heretofore held in and for any of the said Counties of Cities and Counties of Towns, after the passing of the said recited Act, shall be deemed to have been good, valid, and effectual to all Intents and Purposes, and that all and every Act and Acts of any such Assistant Barrister of any such County at large as aforesaid, heretofore after the passing of the said recited Act done at or relating to any such General or Quarter Sessions of the Peace held in and for any such County of a City or County of a Town named in conjunction with such County at large in the said Schedule, or done as a Justice of the Peace in and for such County of a City or County of a Town, and all and every Act of any Justice of the Peace, and every Act, Matter, or Thing done at any such last-mentioned General or Quarter Sessions, and the Act and Acts of any Officer or Constable in obedience thereto, shall be and be deemed to have been as valid, good, and effectual in the Law to all Intents and Purposes as if such Sessions had been held, or such Act or Acts, Matters or Things, had been done, after this present Act had been passed.

Alteration of Act.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULE to which the foregoing Act refers.

Counties.	Counties of Cities and Counties of Towns.
County of Kilkenny.	Kilkenny.
County of Limerick.	Limerick.
County of Waterford.	Waterford.
County of Antrim.	Carrickfergus.

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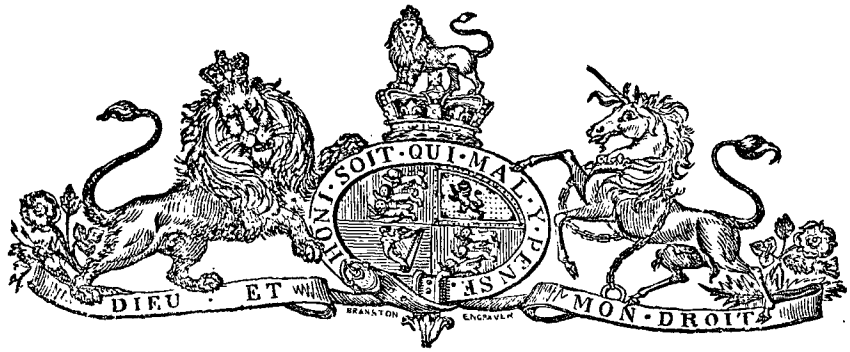

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXXI.

An Act to amend an Act of the last Session, for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*. [4th *August* 1845.]

WHEREAS by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of Her Majesty's Reign, intituled *An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of* Dublin, after reciting that it was expedient that Provision should be made for the more speedy and effectual Repair of Roads in the County of *Dublin* upon which Her Majesty's Mails are carried, it is enacted, that it should be lawful for the Commissioners acting under and in execution of an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, or any other Act for amending the same, upon the Application of Her Majesty's Postmaster General for the Time being, setting forth and describing the Line of any such Road, or the Portion of any such Road, in the said County of *Dublin*, which might stand in need of Repair, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to cause

7 & 8 Vict. c. 106.

1 & 2 W. 4. c. 33.

cause such Road, or such Portion thereof as should be described in such Application, and any or every Bridge, Arch, or Pipe, Gullet or Wall thereon, to be forthwith put into good and sufficient Repair accordingly, under the Superintendence of one of the County Surveyors; and that upon the Application of the said Commissioners, setting forth what Sum would be requisite and necessary from Time to Time for the Purposes aforesaid, it should and might be lawful for the Lord Lieutenant of *Ireland* to direct, by his Warrant, that the Sum or Sums of Money so required by the said Commissioners should be advanced and paid to the said Commissioners out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied, under the Directions of the said Commissioners, in manner aforesaid: And whereas it is expedient to alter and amend the said Enactment, in so far as it empowers the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct, by his Warrant, that the Sum or Sums of Money so required by the said Commissioners should be advanced and paid to the said Commissioners out of the Produce of the Consolidated Fund of *Great Britain* and *Ireland*, and to substitute new Provisions in lieu thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, save and except as to Matters and Things heretofore done under the said recited Enactment, so much thereof as empowers the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct, by his Warrant, that the Sum or Sums of Money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the Produce of the Consolidated Fund, shall be and the same is hereby repealed.

So much of recited Act as empowers the Lord Lieutenant to direct Sums required by the Commissioners to be advanced out of the Consolidated Fund repealed, except as to Things heretofore done.

II. And be it enacted, That from and after the passing of this Act, upon Application of the said Commissioners, setting forth what Sum will be requisite and necessary from Time to Time for the Purposes in the said recited Enactment mentioned, it shall be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, by and with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by his or their Warrant in Writing, to direct that the Sum or Sums of Money so required by the said Commissioners appointed or acting under the said Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth shall be paid and advanced to the said last-named Commissioners, out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied, by and under the Direction of the said last-mentioned Commissioners, in the Manner and for the Purposes in the said recited Enactment mentioned.

The Commissioners of the Treasury, with the Approbation of the Lord Lieutenant, empowered to direct Advances to be made for such Purposes;

III. Pro-

and to declare the Terms upon which such Advances shall be made, &c.

III. Provided always, and it is hereby declared and enacted, That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, in and by any Warrant authorizing or directing such Advance as aforesaid, to declare on what Terms the same shall be made, and to fix and appoint how, and in what Manner, and at what Time or Times, and by what Instalments, and with what Rate of Interest, if any, the same is to be levied and repaid to the Consolidated Fund.

Before each Presenting Term the Lord Lieutenant shall cause an Estimate to be made of Sums payable to the Exchequer by the said County during the ensuing Year;

IV. And whereas divers Sums of Money have been from Time to Time heretofore and may hereafter be advanced from Her Majesty's Exchequer, by Direction or Authority of the Commissioners of Her Majesty's Treasury, or the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the public Purposes of the said County of *Dublin*; and it is expedient that the Repayment thereof should be made with as little Delay as possible, and should not be postponed by reason of any Preference given to local Claims over those of Her Majesty's Exchequer; be it therefore enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at any Time previous to each Presenting Term, to cause an Estimate to be made of the probable Sum which in the course of the then ensuing Year will become due and payable by the said County of *Dublin*, or any Barony, Portion of a Barony, Parish, or other Denomination of Land in the said County, to the Consolidated Fund, or to Her Majesty's Exchequer, for or on account of any such Advances, together with any Arrears or Sums then remaining due and payable for or on account of any such Advances during the preceding Year;

and upon Production of the Certificate of the Chief or under Secretary of the Amount, the Grand Jury shall present the same;

and it shall and may be lawful for the Grand Jury of the said County, at each Presenting Term, and they are hereby required, on the Production of the Certificate of the Chief Secretary or Under Secretary of such Lord Lieutenant or other Chief Governor or Governors of the Amount so estimated as aforesaid, to present, without previous Application to Presentment Sessions, to be levied off the said County, or any Barony or Baronies, Portion of a Barony, Parish, or other Denomination of Land thereof, the Amount of the Sum or Sums stated in such Certificate; and in default of such Presentment being made by the Grand Jury, it shall be lawful for the Court of Queen's Bench in *Ireland* to order the Clerk of the Crown to add such Amount to the Amount presented for other Purposes by such Grand Jury; and the Amount so presented or added shall form a Portion of the Sum to be raised on the County, or any Barony, Portion of a Barony, Parish, or other Denomination of Land thereof, and shall be apportioned, applotted, and levied together with and in the Manner directed by the said recited Act in reference to other County Charges.

to be levied together with and as other County Charges.

Certificate of Sums so payable shall

V. And be it enacted, That the Amount of all Sums payable to the Consolidated Fund, or Her Majesty's Exchequer, in respect of such

be sent to Finance Committee half-yearly;

such Advances, for or on account of the said County of *Dublin*, or any Barony, Portion of a Barony, Parish, or other Denomination of Land thereof, shall be ascertained and made up half-yearly; and a Certificate of the Amount so payable for each Half Year, with a Statement of the Accounts, and the Particulars thereof, signed by the proper Officer, shall be transmitted to the Finance Committee of the said County; and such Amount, so certified, shall, to all Intents and Purposes whatsoever, be a Charge upon all Monies, Rates, or Cesses levied or collected for the Purposes of the said County of *Dublin*, in priority and preference to any other Lien, Claim, Charge, or Demand whatsoever upon the same or any Part thereof; and such Amount shall be set apart and appropriated by the Finance Committee for the Time being acting in execution of the said recited Act, out of such public Money, Rates, or Cesses, for the Repayment to the Consolidated Fund, or Her Majesty's Exchequer, of the Sum so certified, in priority and preference to any other Lien, Charge, or Demand, and shall not be applied to any other Purpose; and the said Finance Committee shall pay over the said Amount in such Manner and to such Bank or Person as the Commissioners of Her Majesty's Treasury shall direct.

and the Amount shall be paid by the Finance Committee.

County Officers shall be paid by Finance Committee out of any surplus Funds of the present Year.

VI. And whereas Doubts have arisen whether, under the Authority of the said recited Act, the Grand Jury of the said County of *Dublin* are authorized to make Presentments in advance for the Payment of the Salaries of the several County Officers to whom Salaries are payable by half-yearly Instalments under the said Act, so that Funds may be available for such half-yearly Payments, and no Presentment has consequently been made at the last Presenting Term for the Salaries of such County Officers; for Remedy whereof be it enacted, That it shall and may be lawful for the said Finance Committee, out of any Surplus or Balance of the Funds of the said County which may accrue during the present Year, to pay and discharge in half-yearly Payments, commencing from the First Day of *January* One thousand eight hundred and forty-five, so far as such Surplus or Balance may enable them so to do, the Salaries when due of all or any of the said Officers, as also the Sum of Eight Pounds Eight Shillings, being the Salary of the Housekeeper of the County Court-house at *Green Street* in the City of *Dublin*, and to take Credit for such Payments in their current Accounts.

The Grand Jury shall present the Amount so paid.

VII. And be it enacted, That it shall be lawful for the Grand Jury of the said County of *Dublin*, and they are hereby required, at the next ensuing Presenting Term, to present a Sum sufficient to replace in the Bank of *Ireland*, to the Credit of the said Finance Committee, the Amount of all Sums so paid by them to the said County Officers for or on account of their Salaries during the present Year, as also to meet and discharge any Balance which may be then still due to any of the said Officers.

VIII. And be it enacted, That at the said Presenting Term, and at each succeeding Presenting Term, it shall be lawful to and for the Grand Jury of the said County to present in advance, and without previous Application at Presentment Sessions, such Sum as shall be estimated to be sufficient to pay the Salaries payable under the said Act to the several County Officers, as well those specified in the Schedule to the said Act annexed as the District Surveyors appointed for the said County, and also a Sum not exceeding Eight Pounds Eight Shillings a Year as Salary for the Housekeeper of the County Court-house at *Green Street* in the City of *Dublin;* and it shall be lawful for the Finance Committee for the Time being to pay to the said County Officers respectively, by half-yearly Instalments as the same shall respectively become due, the Amount of such Salaries, according to the true Intent and Meaning of the said Act.

And at each Presenting Term the Grand Jury shall present in advance for Salaries of County Officers.

IX. And be it enacted, That it shall be lawful to and for the Finance Committee of the said County of *Dublin*, if they shall deem it expedient, out of any Balance or County Funds at their Disposal, from Time to Time to repay and discharge any Sums expended by any Person in repairing any sudden Damage to Bridges, Roads, or other County Works under the Provisions of the said Act in reference to such sudden Damage, on the Production to them of the Magistrate's Order duly authorizing such Repairs, and the Certificate of the District Surveyor that a Sum not exceeding the Sum specified in such Order hath been faithfully and honestly expended pursuant thereto; and the Grand Jury of the said County is hereby empowered to present all Sums so paid by the Finance Committee at the next Presenting Term, without previous Application at Presentment Sessions.

Finance Committee may repay Sums expended in Repair of sudden Damage to Bridges, &c.

X. And be it enacted, That so much of the said recited Act as empowers the Grand Jury, with the Sanction of the Court of Queen's Bench, to present, in case of negligent or insufficient Discharge of Duty on the Part of any County Officer, any Sum less than the annual Salary specified therein to be paid to such Officer, or to withhold or refuse to make Presentment for such Officer, shall be and is hereby repealed.

Repeal of Part of recited Act as to withholding Salaries, &c. of County Officers, for Neglect, &c.

XI. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the Grand Jury of the said County, at any Presenting Term, by a Resolution, to be signed by the Foreman, with the express Sanction of the Court of Queen's Bench in *Ireland*, to direct that the Payment of any Salary of any County Officer who may be guilty of any negligent or insufficient Discharge of his Duty shall be either wholly or in part withheld, or to make such Regulations for the paying or suspending the Payment

The Grand Jury, with the Sanction of the Court, may suspend Salaries of County Officers, and make Regulations as to Payments, &c.

Payment of the whole or any Part of the Salaries of any of such County Officers, as the said Grand Jury, with the express Approval of the said Court of Queen's Bench, may deem expedient.

This Act to be read in conjunction with recited Act.

XII. And be it enacted, That this Act shall be read and interpreted in conjunction with the said recited Act, in such and the same Manner as if the same was incorporated therein and Part thereof.

Alteration of Act.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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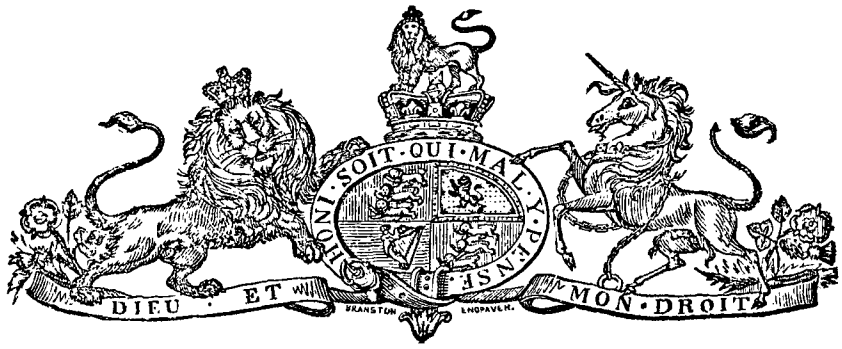

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Secretary at War to issue the Money required for Pay of Regular Militia.

That the Secretary at War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the Rates following; (that is to say,)

Rates of Pay.

For each Adjutant, Eight Shillings *per Diem*:

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem*:

For each Serjeant Major, where one is appointed in Corps consisting of Two or more Companies, One Shilling and Ten-pence *per Diem*:

For each Serjeant having been a Colour Serjeant in one of the Provisional Battalions of Militia, Two Shillings *per Diem*:

For each Serjeant, One Shilling and Sixpence *per Diem*:

Rates of Pay when absent on Furlough.

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

Clothing.

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, and Three Pounds for each Serjeant; and so in proportion, in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expence of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been sanctioned by the Secretary at War: Provided always, that such Serjeant Majors and Serjeants as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed once in Four Years:

Contingent Fund.

And also at the Rate of Sixpence *per Annum* for each Private Man for defraying the contingent Expences of each Regiment, Battalion, or Corps.

Adjutant, &c. to reside where the Secretary at War shall appoint.

II. And be it enacted, That, except when employed as herein-after provided, every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary at War; and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

III. And

III. And be it enacted, That every Adjutant and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea* Hospital, in such Manner as One of Her Majesty's Principal Secretaries of State may determine.

Adjutants and Non-commissioned Officers of Militia may be employed in their Counties.

IV. And be it enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and shall, out of the Allowance of Sixpence *per Annum* for each Private Man directed by this Act to be issued and paid for defraying the contingent Expences of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expences, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

Adjutant to have Charge of the Arms and Clothing, and to issue the Money for contingent Expences on an Order signed by the Colonel.

Balance to form a Stock Purse.

V. And be it enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

In Absence of the Adjutant, the Serjeants to be under the Command of the Serjeant Major.

VI. And be it enacted, That the Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

Militia when called out for Training or Exercise entitled to Pay.

VII. And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland* while disembodied, under certain Regulations; be it enacted, That the following Allowances shall be made and paid, to the Amount, under

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

under the Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the Militia of *Great Britain* or *Ireland*, and was serving therein when the Corps was last disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

To a Lieutenant, Two Shillings and Sixpence *per Diem*:
To an Ensign, Two Shillings *per Diem*:
And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem*:

Rank of certain Officers.

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to serve therein from that Time.

Certain Persons not entitled to Allowances.

VIII. Provided also, and be it enacted, That no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof.

A Declaration to be taken to entitle Officers, &c. to such Allowances.

IX. And be it enacted, That the Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe a Declaration before some one of Her Majesty's Justices of the Peace of the United Kingdom, or before some one of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (*videlicet*,)

Form of Declaration.

'I *A.B.* do solemnly and sincerely declare, That I belonged to the of Militia when the same was disembodied, 'and that I have continued to serve therein from that Time until the 'Day of inclusive, as a [Lieutenant, 'Ensign, Surgeon's Mate, *or* Assistant Surgeon, *as the Case may be*]; 'and that I was not, in my own Right or in the Right of my Wife, 'during any Part of the Period for which I now claim to receive my 'Allowance, (that is to say,) from the Day of 'to the Day of both 'inclusive, in the actual Possession and Enjoyment or Receipt of the 'Rents and Profits of Lands, Tenements, or Hereditaments of such 'an

'an annual Value above Reprizes as would qualify me to hold a 'Commission of Captain of a Company in the Militia; that I was 'not in Holy Orders; that I have not during the above Period held 'the Appointment of Adjutant, Surgeon, Paymaster, or Quarter-'master in any Regiment, Battalion, or Corps of Militia; that I did 'not hold or enjoy, nor did any Person for me hold or enjoy, during 'the said Period, any Place, Office, or Employment of Profit, Civil 'or Military, under the Crown or any other Government, besides 'the Allowance of a Day now claimed, except 'my Half Pay as a [of the Army *or* 'Navy *or* Marines, *or* of a Provisional Battalion formed from the 'Militia, *as the Case may be*], and any Pay and Allowances from the ' to the both Days inclusive, during which 'Period the Corps was assembled for Training and Exercise.'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

Allowances to Officers reduced in 1829.

X. And be it enacted, That the Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain* and *Ireland*, on their being reduced in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid, under the Restrictions and in the Manner herein-after expressed, during the Continuance of this Act, and that it shall be lawful for the Secretary at War to place any such Paymaster, Surgeon, or Quartermaster, when unfit for further Duty, upon a retired Allowance equal to and instead of his reduced Allowance.

A Declaration to be taken by Officers claiming the said Allowances.

XI. And be it enacted, That every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some one of Her Majesty's Justices of the Peace in the United Kingdom, or before some one of Her Majesty's Ministers, Secretaries of Embassy or of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

Form of Declaration.

'I *A.B.* do solemnly and sincerely declare, That I was serving as '[Paymaster, Surgeon, *or* Quartermaster, *as the Case may be*,] in 'the of Militia at the Reduction of the Staff 'of the said Militia in One thousand eight hundred and twenty-'nine; and that I was not in Holy Orders during any Part of the 'Period for which I now claim to receive an Allowance, (that is to 'say,) from the Day of One thousand eight 'hundred and to the Day of One 'thousand eight hundred and ; and that I did not 'hold or enjoy, nor did any Person for me hold or enjoy, during any 'Part of the said Period, any Place, Office, or Employment of Profit, 'Civil or Military, under the Crown or any other Government, 'besides the Allowance of a Day now claimed, 'except my Half Pay as a [of the Army *or* Navy 'or Marines, *or* of a Provisional Battalion formed from the Militia,

'*as the Case may be*], and except my Pay and Allowances from
'the to the both Days inclusive,
'during which Period the Militia was assembled for
'Training and Exercise.'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Out-Pension to Reduced Non-commissioned Officers and Drummers not to be received while serving.

XII. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service; be it enacted, That no Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Subalterns, Mates, &c. to attend the Exercise, &c.

XIII. And be it enacted, That every Paymaster, Surgeon, or Quartermaster on the reduced Allowance, and every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended, and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, claiming to be entitled to such Allowance, shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowances and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the Duration thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned) to be signed by the Commanding Officer,

Commanding Officer may grant Leave of Absence.

Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on making the Declaration, without Certificate of Attendance.

XIV. Provided always, and be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have made and subscribed the Declaration herein-before mentioned before any Justice of the Peace or other Person as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

Allowances to be paid quarterly.

XV. And be it enacted, That upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Declarations being produced to the Paymaster General, the Paymaster General shall pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper Periods, without any Deduction whatsoever, save and except that provided by an Act passed in the last Session of Parliament, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of April One thousand eight hundred and forty-five*, or by any other Act which may be passed continuing the Payment of such Duties for a further Period, the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

5 & 6 Vict. c. 35.

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

XVI. And be it enacted, That the Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, on such Occasion or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied, every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War, and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

XVII. And

Allowance not to be paid while the Militia is embodied.

XVII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid to the said Allowance or any Part thereof during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XVIII. Provided always, and be it enacted, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers or Privates, not to lose their Right to Chelsea Pensions, &c.

XIX. Provided always, and be it enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XX. And be it enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expence of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Two-pence *per* Week for each of the Non-commissioned Officers of each Regiment on the Disembodied Staff at Head Quarters, for the Expence of necessary Medicines and Attendance given to the said Non-commissioned Officers while such Regiment is not called out for Training and Exercise.

Adjutants appointed before 24th Dec. 1814 entitled to receive,

XXI. And be it enacted, That every Adjutant of Regular Militia, appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof

whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem:* Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance: Provided always, that in Cases of very long and meritorious Services it shall be lawful for the Secretary at War to extend to any Adjutants appointed between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three the Terms, either in whole or in part, herein-before prescribed for the Retirement of Adjutants appointed before the

after a Service of 20 Years, if unfit for further Service, an Allowance of 8*s.* per Day; provided they do not hold certain other Appointments.

Adjutants appointed since 24th Dec. 1814 entitled to receive, after Thirty Years Service, &c. an Allowance of 6*s.* per Day.

Right to Half Pay reserved.

Certain Terms extended to Adjutants in Cases of long and meritorious Services.

the Twenty-fourth Day of *December* One thousand eight hundred and fourteen.

Allowances to Adjutants, Surgeons, and Quartermasters.

XXII. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service; be it enacted, That such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Right to Half Pay reserved.

Reduced Adjutants to receive 4*s.* per Day till 31st July 1845.

XXIII. And be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and forty-five, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirty-first Day of *July* One thousand eight hundred and forty-six, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXIV. And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem*; be it enacted, That all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirty-first Day of *July* One thousand eight hundred and forty-five to the Thirty-first Day of *July* One thousand eight hundred and forty-six.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

XXV. And be it enacted, That every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of King *George* the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament*

Parliament the Laws relating to the Militia in that Part of Great Britain *called* England, or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity. Proviso.

XXVI. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia; be it enacted, That the said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants had been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted. Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XXVII. And be it enacted, That in every County in *England* and *Wales*, when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings and to the Clerks of Subdivision Meetings of Lieutenancy, for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending the Law relating to the Militia in* England, *and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expences in the due Execution of an Act passed in the Thirty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the better raising and ordering the Militia Forces for the* Tower Hamlets *in the County of* Middlesex, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of *Cornwall* and *Devon* for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King* George *the Third, intituled 'An Act for raising a Body of Miners in the Counties of* Cornwall *and* Devon *for the Defence of the Kingdom during the present War, and for the more effectually raising and regulating a Body of Miners for the Defence of* Great Britain,' and of any other Acts relating to the said Militia; and in every County, Stewartry, Allowances to Clerks of General and Subdivision Meetings in England.

42 G. 3. c. 90.

37 G. 3. c. 25.

42 G. 3. c. 72.

Allowances to such Officers and others in Scotland.

Stewartry, City, or Place in *Scotland* where the Regular Militia is or shall be raised Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act to raise and establish a Militia in* Scotland, and of any other Acts relating to the said Militia.

42 G. 3. c. 19.

Manner of granting Allowances.

XXVIII. And be it enacted, That the said Allowances shall be granted as follows; (*videlicet,*) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet,*)

Clerks, &c. to make Declaration of the Justness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, That the preceding Account, so far as regards my Interest therein, is a just and true Account of Business performed by me for and in behalf of the public Service, according to the Manner therein set forth; and the Sums claimed as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in Scotland.

'I do solemnly declare, That I am the Parochial Schoolmaster [*or* Constable *or other Officer*] of the District of in the Subdivision of the County of ; and that the preceding Account is a just and true Account of Business actually performed by myself for and in behalf of the public Service, according to the Manner therein set forth; and that I was employed on such Business the full Time therein stated; and that the Sums claimed as disbursed were actually paid by me.'

And the said Accounts shall be transmitted to the Secretary at War, who is hereby empowered to issue the Allowances according to the Rate specified in the Table to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XXIX. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service

of the Persons presenting themselves for Enrolment; be it enacted, That it shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held, to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet,*)

'I do solemnly declare, That I will, to the best of my Ability, faithfully and truly report as to the Fitness for Service of the Man or Men about to be submitted to my Examination, and that I will not receive from any of them any Fee or Reward whatever for any such Examination.' Declaration to be made by Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary at War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment. Allowance to Surgeon.

XXX. And be it enacted, That all Sums of Money granted for the Pay, Clothing, contingent and other Expences, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary at War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head. Pay, &c. to be issued under Directions of the Secretary at War.

XXXI. And be it enacted, That all Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper. Bills drawn for Pay, &c. may be on unstamped Paper.

XXXII. And be it enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act. No Fee to be taken.

XXXIII. And be it enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County; and the necessary Sum for that Purpose, and for all other Sums of Money and Expences payable and to be defrayed by the County in respect of the Militia of the County, and all Arrears of any such Hire due for the Hire or Rent of any House heretofore provided, and which Rent shall not have been presented and paid before the passing of this Act, or which shall hereafter become due for any such House, Expence of House for depositing Arms, and Stores of the Militia in Ireland, &c. to be defrayed by the County.

and all Arrears of any such other Sums or Expences aforesaid which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, shall be raised by the Presentment of the Grand Jury of the said County, which Presentment the Grand Jury of the County shall pass on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary, or by the First Clerk in the Military Department, and specifying the Rent agreed to be paid for the same; and the said Certificate shall be transmitted by such Chief or Under Secretary or First Clerk to the Clerk of the Crown for such County, or at any Time prior to the First Day of the Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term: Provided always, that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such House or Place.

Proviso as to Amount of Rent.

All things in this Act relating to Counties shall extend to Ridings, Shires, &c.

XXXIV. And be it enacted, That all things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

Continuance of Act.

XXXV. And be it enacted, That this Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and forty-five until the First Day of *August* One thousand eight hundred and forty-six.

TABLE to which this Act refers.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into Execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, Cap. 90. and 91., and other Acts relating to the Militia.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements)	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - -	2	2	0
In Counties furnishing from 201 to 400 Men -	3	3	0
Ditto - - from 401 to 600 Men -	4	4	0
Ditto - - from 601 to 800 Men -	5	5	0
Ditto - - from 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - from 401 to 600 Men -	3	3	0
Ditto - - - from 601 to 800 Men -	4	4	0
Ditto - - from 801 Men and upwards	5	5	0

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under	0	5	0
Ditto - 51 to 150 Names	0	10	0
Ditto - 151 to 250 Names	1	0	0
Ditto - 251 Names and upwards	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps	0	15	0
Ditto - Two - Ditto	1	10	0
Ditto - Three - Ditto	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men	2	0	0
Ditto - from 301 to 600 Men	3	0	0
Ditto - from 601 to 900 Men	4	0	0
Ditto - from 901 Men and upwards	5	0	0
10. For Copyings, Correspondence, &c. &c.:			
To the Clerk of the General Meetings in a County where the Number in the original Quota of the Militia is 200 Men or under	2	0	0
In a County furnishing from 201 to 400 Men	3	0	0
Ditto - from 401 to 600 Men	4	0	0
Ditto - from 601 to 800 Men	5	0	0
Ditto - from 801 Men and upwards	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c. certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and			

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - -	1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - - -	2	0	0
Ditto - Two - Ditto - -	3	0	0
Ditto - Three - Ditto - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; (videlicet,) For receiving Lists and hearing Appeals, For ballotting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon ballotted Men, each Precept -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland for the Performance of similar Duty, each Precept - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the ballotting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men -	£2 per 1,000		
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - -	2	2	0
Ditto from 51 to 150 Men - - -	3	3	0
Ditto from 151 to 250 Men - - -	4	4	0
Ditto from 251 Men and upwards - - -	5	5	0

	£	s.	d.
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)			
For a Roll containing 50 Names and under - -	0	5	0
Ditto from 51 to 150 Names - - -	0	10	0
Ditto from 151 to 250 Names - - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	1	10	0
Ditto from 51 to 150 Men - -	2	0	0
Ditto from 151 to 250 Men - - -	2	10	0
Ditto from 251 Men and upwards - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	2	0	0
Ditto from 51 to 150 Men - -	3	0	0
Ditto from 151 to 250 Men - -	4	0	0
Ditto from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 Men and upwards - -	1	0	0

TRAINING AND EXERCISE.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards -	1	0	0

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
Ditto from 11 to 30 Names - -	0	1	0
Ditto from 31 to 50 Names - - -	0	2	6
Ditto from 51 to 70 Names - -	0	4	0
Ditto from 71 to 100 Names - - -	0	7	0
Ditto from 100 upwards - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	0
Ditto from 21 to 50 Names - - -	0	5	0
Ditto from 51 to 150 Names - - - -	0	10	0
Ditto from 151 to 250 Names - - - -	0	15	0
Ditto from 251 and upwards - - - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 and upwards - - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to ballotted Men, per Day - - - - - - - - - -	0	5	0
31. For Stationery, per Annum - - - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to ballotted and enrolled Men, per Day - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk such Person shall have an Allowance for his travelling Expences not exceeding Nine-pence per Mile, and the Expences of Tolls and Ferry Money; but the Particulars of such Expences shall be specified in a Statement and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expence necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

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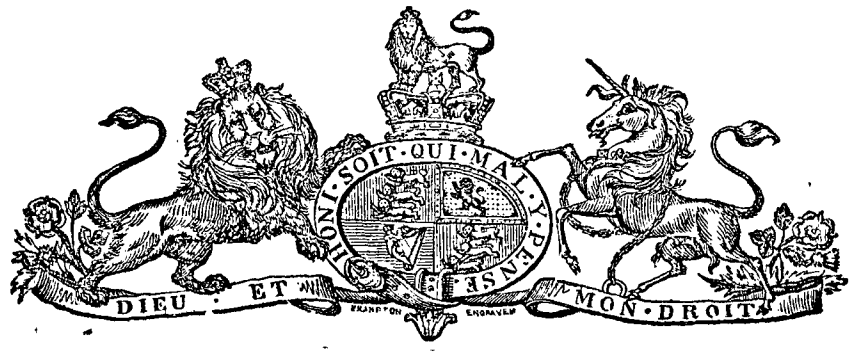

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXXIII.

An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*. [4th *August* 1845.]

WHEREAS it is expedient that the Laws relating to the Relief of the Poor in *Scotland* should be amended, and that Provision should be made for the better Administration thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context of the Act shall exclude or be repugnant to such Construction; (that is to say,) the Word "Burgh" shall include and apply to Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute to send a Member to Parliament; "Sheriff" shall include and apply to Sheriff Substitute and Stewart Substitute; the Words "Lands and Heritages" shall extend to and include all Lands, Fishings, Freshwaters, Ferries, Quays, Wharfs, Docks, Canals, Railways, Mines, Minerals, Quarries, Coal Works, Lime Works, Brick Works, Iron Works, Gas Works, Factories, and manufacturing Establishments, Houses, Tenements, Shops, Warehouses, Mills,

Interpretation of Words and Expressions used in the Act.

"Burgh:"

"Sheriff:"

"Lands and Heritages:"

Mills, Cellars, Stalls, Stables, Gardens, Yards, and all Buildings and Pertinents thereof; the Word "Oath" shall include the Affirmation of a Quaker, Separatist, or Moravian; "Owner" shall apply to Life-renters as well as Fiars, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wadsetters, or other Persons who shall be in the actual Receipt of the Rents and Profits of Lands and Heritages; "Persons" shall extend to a Body Politic, Corporate, or Collegiate; and every Word importing the Singular only shall extend to several Persons or Things as well as one Person or Thing; and every Word importing the Plural shall be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender shall extend to a Female as well as a Male.

"Oath:"

"Owner:"

"Persons:"

Board of Supervision for Relief of the Poor established.

II. And be it enacted, That a Board of Supervision shall be and is hereby established for the Purposes of this Act, and the said Board shall consist of the following Persons; (*videlicet,*) the Lord Provost of *Edinburgh*, the Lord Provost of *Glasgow*, the Solicitor General of *Scotland*, the Sheriff Depute of the County of *Perth*, the Sheriff Depute of the County of *Renfrew*, the Sheriff Depute of the County of *Ross* and *Cromarty*, all for the Time being, together with Three other Persons, whom it shall be lawful for Her Majesty, Her Heirs and Successors, by Warrant under the Sign Manual, to appoint; and it shall also be lawful for Her Majesty, Her Heirs and Successors, to supply any Vacancy which may occur in the said Board by Removal, by Death, or otherwise of any of the said Three Persons; and the said Board shall be styled "The Board of Supervision for Relief of the Poor in *Scotland*;" and the said Board may sit from Time to Time and at such Places as they shall deem expedient.

Members of Board to derive no Emolument.

Their Expences to be paid.

III. And be it enacted, That the Members of the said Board shall derive no Profit or Emolument for the Discharge of the Duties of their Office, except as herein-after mentioned, and shall not be personally responsible for any thing done *bonâ fide* in the Execution of this Act, or in the Exercise of the Powers therein contained: Provided always, that any necessary Expences incurred by the Board or by Members thereof, or Committees or Commissioners authorized or appointed by the Board as herein-after provided, shall be deemed as Part of the incidental Expences attending the Execution of this Act, and be paid accordingly; and an Account of all Expences of the said Board shall be annually laid before Parliament.

One paid Member and Secretary to the Board.

IV. And be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, to nominate One of the Three Members of the said Board of Supervision to be appointed by Her Majesty as aforesaid, who shall be paid, and also to appoint a fit Person to be Secretary to the said Board, who shall also be paid, and to supply any Vacancy which may occur in the said Office of Secretary; and such paid Member of the Board of Supervision and such Secretary shall each receive an adequate Salary of such Amount as shall from Time to Time be regulated and approved by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them; and such Secretary shall find sufficient Security for his Intromissions

missions and Management to the Satisfaction of the said Board, and shall be liable to be removed by Her Majesty on the Recommendation of the said Board; and the Sheriffs of the said Three Sheriffdoms of *Perth*, *Renfrew*, and *Ross* and *Cromarty* shall each receive the Sum of One hundred Pounds Sterling *per Annum*, in addition to their present Salaries, so long as they continue to act as Members of the said Board.

Meetings of the Board.

V. And be it enacted, That the said Board of Supervision shall meet at *Edinburgh* in the Court Room of the First Division of the Court of Session upon the Twentieth Day of *August* next, or upon the first convenient Day within Ten Days thereafter, of which due Notice shall be given by the Secretary to each of the Members, and shall thereafter hold Two General Meetings in each Year, one upon the First *Wednesday* in *February*, and the other upon the First *Wednesday* in *August*; and at such First Meeting, and at all other Meetings to be held in pursuance of this Act, Three shall be sufficient to act; and the said Board shall have Power to adjourn for such Time and to such Place as they shall see fit; and it shall be lawful for the said Board to hold Special or *Pro re natâ* Meetings, which may be called by the Secretary, provided that such Notice shall be given in Writing by the Secretary as the Board shall direct; and that all Notices of Special or *Pro re natâ* Meetings shall specify the Business or Matter on which such Meetings are called; and it shall be the Duty of the paid Member of the said Board not only to attend at the General and the Special or adjourned Meetings, but to give regular Attendance for the Purpose of conducting the Business of the said Board; and the Board shall have Chambers in *Edinburgh* at which the ordinary Business of the Board shall be conducted, and at which the Meetings of the Board may be held.

Paid Member of Board of Supervision to attend regularly.

Board may name Committees.

VI. And be it enacted, That the said Board shall have Power, as often as they may deem fit, to appoint any Two or more of their Number as a Committee for the Purposes of this Act, and if more than Two to fix the Number of such Committee that shall be sufficient to transact Business; and it shall be lawful for such Committee, in transacting the Business committed to them, to exercise all the Powers necessary for that Purpose which are by this Act given to the Board of Supervision; and such Committee shall be bound to report to the Board at such Time or Times as the Board shall direct, and failing such Direction shall report to the said Board at its next general statutory Meeting.

Board may make general Rules.

VII. And be it enacted, That it shall be lawful for the said Board from Time to Time, as they shall see Occasion, to make general Rules and Regulations for conducting the Business of the said Board, and for exercising the Powers and Authorities thereof, and to alter such Rules and Regulations: Provided always, that such Rules and Regulations and Alterations, or a Copy thereof, shall be transmitted to One of Her Majesty's Principal Secretaries of State for his Sanction and Approval, and for such Additions or Alterations as he may deem necessary; and no Rules or Regulations or Alterations as aforesaid shall be effectual, except such as shall have been approved of by the

the said Secretary of State, who shall be understood to have approved of all such Rules and Regulations and Alterations aforesaid as shall have been transmitted for his Sanction and Approval if no Intimation to the contrary be made to the Board of Supervision within Twenty-one Days from the Date of such Transmission; and a Copy, signed and certified by the Secretary of the Board of Supervision, of the Rules and Regulations and Alterations approved as aforesaid, shall be Evidence of such Rules, Regulations, and Alterations in any Court of Law or Justice.

Board to record their Proceedings, and make annual Reports on the State of the Poor.

VIII. And be it enacted, That the said Board of Supervision shall make a Record of their Proceedings, in which shall be entered Minutes of all Meetings held by them, or any Committee appointed by them, and all Resolutions passed and Orders made by them, and all other Matters which the Board may judge proper; and the said Board shall once in every Year submit to One of Her Majesty's Principal Secretaries of State a general Report of their Proceedings, which Report shall contain in particular a full Statement as to the Condition and Management of the Poor throughout *Scotland*, and the Funds raised for their Relief; and every such Report shall be laid before both Houses of Parliament within Six Weeks after the Receipt of the same by such Principal Secretary of State, if Parliament be then sitting, or if Parliament be not sitting, then within Six Weeks of the next Meeting thereof.

Powers of the Board of Supervision to require Returns and examine Witnesses.

IX. And be it enacted, That it shall be lawful for the said Board of Supervision to inquire into the Management of the Poor in every Parish or Burgh in *Scotland*, and for this Purpose the said Board is hereby empowered to make Inquiries, and require Answers or Returns to be made to the said Board, upon any Question or Matter connected with or relating to the Relief of the Poor, and also by a Summons, signed by One of their Number, or by the Secretary, to require the Attendance of all such Persons as they may think fit to call before them upon any such Question or Matter, and to administer Oaths to and examine upon Oath all such Persons, and to require and enforce the Production, upon Oath, of all Books, Contracts, Agreements, Accounts, and Writings, or Copies thereof respectively, in anywise relating to any such Question or Matter, or in lieu of requiring such Oath as aforesaid the said Board may, if they think fit, require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined.

Board may authorize special Inquiries to be made.

X. And be it enacted, That it shall and may be lawful for the said Board, whenever it may seem fitting to them, to authorize and empower for a limited Time One of the Members thereof to conduct any special Inquiry in any Part of *Scotland*, and to report thereon to the Board; and such Member, so authorized and empowered, shall be entitled to summon and examine on Oath Witnesses and Havers, and to exercise all such other of the Powers by this Act given to the Board of Supervision as may be necessary for conducting such Inquiry, and such Member shall be reimbursed by the said Board for all Expences necessarily incurred by him in conducting such Inquiry, and such

Expences shall be deemed Part of the Expences attending the Execution of this Act, and be paid accordingly.

Board may appoint Commissioners for conducting special Inquiries.

XI. And be it enacted, That it shall and may be lawful for the said Board of Supervision, whenever it may seem fitting to them, with the Consent of One of Her Majesty's Principal Secretaries of State, or of Her Majesty's Advocate for *Scotland*, or whenever the said Board may be thereunto required by One of Her Majesty's said Secretaries of State, or Her Majesty's said Advocate, to appoint some Person, not being a Member of the Board, but being a Member of the Faculty of Advocates, or a duly qualified Medical Practitioner, or an Architect or Surveyor, or Two or more of such Persons, to act as a Commissioner or Commissioners for the Purpose of conducting any special Inquiry for a Period not exceeding Forty Days, and to report thereon; and the said Board shall delegate to every Person so appointed for the Purpose of conducting such Inquiry all such of the Powers of the said Board as they may deem necessary or expedient for summoning or examining Witnesses and Havers, and otherwise conducting such Inquiry; and every such Appointment shall be subject to the Approval of One of Her Majesty's said Secretaries of State, or of Her Majesty's said Advocate; and every Person so appointed as aforesaid to conduct any special Inquiry shall, before he enter on the Execution of his Duties, take an Oath *de fideli administratione officii*, which Oath may be administered to him by any Member of the Board, or any One of the Judges of the Court of Session, or the Sheriff of any County; and it shall not be necessary to notify the Appointment of any such Commissioner otherwise than by intimating the same by Letter under the Hand of the Secretary, or of any Member of the Board, to the Sheriff of the County within which the Inquiry in question is to be made; and every such Commissioner shall be reimbursed by the said Board for all Expences necessarily incurred by him in conducting such Inquiry, and shall also receive such reasonable Remuneration for his Time and Trouble as may have been agreed upon between him and the said Board, and approved of by Her Majesty's said Secretary of State or Advocate; and failing of any such Agreement the Amount of the Remuneration shall be fixed by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or by such Person or Persons as he or they shall name.

Board may allow Expences of Witnesses, &c.

XII. And be it enacted, That it shall be lawful for the said Board of Supervision, in any Case where they see fit, to order and allow such Expences of Witnesses, and such Expences of or concerning the Production of any Books, Contracts, Agreements, Accounts, or Writings, or Copies thereof, to or before the said Board or Committee thereof or Commissioner, as such Board may deem reasonable; and such Expences so ordered and allowed shall be deemed Part of the incidental Expences attending the Execution of this Act, and be paid accordingly.

Penalties on Parties giving false Evidence, or refusing to

XIII. And be it enacted, That if any Person, upon any Examination on Oath under the Authority of this Act, shall wilfully give false Evidence, he shall be deemed guilty of Perjury, and shall be liable to

obey Summons of the Board.

the Pains and Penalties thereof; and in case any Person shall wilfully refuse to attend in obedience to any Summons of the said Board of Supervision or Committee thereof, or Member or Commissioner authorized or appointed by the Board as aforesaid, or to give Evidence, or shall wilfully refuse to produce any Books, Contracts, Agreements, Accounts, and Writings, or Copies of the same, which may be required to be produced before the said Board or Committee, or Member or Commissioner, or shall wilfully neglect or disobey any of the Orders of the said Board or Committee, or Member or Commissioner, or be guilty of any Contempt of the said Board or Committee, or Member or Commissioner, such Person being thereof lawfully convicted shall forfeit and pay for the First Offence any Sum not exceeding Five Pounds, for the Second and every subsequent Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds.

Power of Board to appoint Clerks, &c.

XIV. And be it enacted, That the said Board of Supervision shall be and is hereby empowered from Time to Time to appoint all such Clerks, Messengers, and Officers as they shall deem necessary, and from Time to Time, at the Discretion of the said Board, to remove such Clerks, Messengers, and Officers, or any of them, and to appoint others in their Stead; provided that the Amount of the Salaries of such Clerks, Messengers, and Officers shall from Time to Time be regulated by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them; and the Name of every Person so appointed or removed as aforesaid shall forthwith be intimated to One of Her Majesty's Principal Secretaries of State for his Approval, who shall be understood to approve of such Appointment or Removal if no Notice to the contrary be received by the said Board within Twenty-one Days from the Day of the Date of such Intimation.

Members of Board of Supervision may attend Meetings of Parochial Boards.

XV. And be it enacted, That it shall be lawful for any of the Members or the Secretary of the said Board of Supervision, or for any Clerk or Officer of the said Board, provided that such Clerk or Officer shall be duly authorized by a Writing signed by Two at least of the Members of the said Board of Supervision, to attend and be present at the Meetings of any Parochial Board for the Management of the Poor, and to take Part in the Discussions, but not to vote at such Board.

Parishes may be combined.

XVI. And be it enacted, That in every Case in which it may appear to the Board of Supervision, on Application by the Parochial Boards of any One or more adjoining Parishes, or from a Regard to the relative Situation of Two or more such Parishes, or from any other Circumstances, that the Administration of the Affairs of the Poor therein might be carried on with greater Advantage to the said Parishes, and to the Poor therein, by the said Parishes being combined for the Purposes of this Act, then the Parochial Boards of such Parishes shall meet, on Requisition to that Effect by the Board of Supervision, for the Purpose of considering the proposed Combination; and in every Case where the Parochial Boards of Two or more such Parishes shall resolve that it is expedient and proper that such

Parishes shall be combined for all Purposes connected with the Management of the Poor, and the Administration of the Laws relating to their Relief, and for the Purposes of raising the necessary Funds for the Relief and Support of the Poor, and also for the Purposes of Settlement, and where it shall be established to the Satisfaction of the Board of Supervision that it is expedient and proper that such Parishes shall be so combined, it shall be lawful for the said Board of Supervision to resolve and declare that such Parishes shall thenceforward be combined for the Purposes aforesaid, and shall be considered as One Parish so far as regards the Support and Management of the Poor, and all Matters connected therewith; and all Expenditure in respect to the Poor belonging to such Combination of Parishes shall be deemed and held to be the common Expenditure of such Combination of Parishes, and be charged upon and paid out of the common and general Fund to be raised for the Relief of the Poor over the whole of such Parishes: Provided always, that, upon Application by the Parochial Board of any Parish adjacent to any such Combination, it shall be lawful for the said Board of Supervision, if they see fit, due Regard being had to the Circumstances of the Case, to resolve and declare that such Parish shall be for the Purposes of this Act added to such Combination from and after a Date to be signified in the Resolution of the said Board of Supervision, and such Parish shall, from and after such Date, be held in Law to be a Part of such Combination in all Matters relative to the Relief of the Poor, and subject in every respect to the Provisions and Regulations hereby made and provided in relation to Combinations of Parishes; and such Resolution shall be forthwith published in such Manner as the said Board of Supervision shall direct.

Board of Supervision may add other Parishes.

XVII. And be it enacted, That in every Burghal Parish or Combination of Parishes there shall be a Parochial Board of Managers of the Poor; and the whole Administration of the Laws for the Relief of the Poor shall be under the Direction and Control of such Parochial Board, on whom shall devolve all the Powers and Authorities hitherto exercised by or vested in the Magistrates of Burghs in that Behalf, or any other Body or Persons administering or entitled to administer the Laws for the Relief of the Poor in any Burgh or Burghal Parish; and until it shall have been resolved, as herein-after provided, to raise the Funds requisite for the Relief of the Poor of such Parish or Combination by Assessment, the Board shall, in the Case of a Burghal Parish, where there is no Combination of Parishes, consist of the Persons who, if this Act had not been passed, would have been entitled to administer the Laws for the Relief of the Poor in such Parish, and shall, in the Case of a Combination of Parishes, consist of the Persons who, if this Act had not been passed, would have been entitled to administer the Laws for the Relief of the Poor in the several Parishes of which the Combination is composed, or of such Committees of their Number as they may think proper to appoint; and when in any Burghal Parish or Combination in which it shall have been resolved, as herein-after provided, to raise the Funds requisite for the Relief of the Poor by Assessment, the Parochial Board of such Parish or Combination shall be constituted and chosen

Parochial Board of Managers of the Poor in Burghal Parishes or Combinations.

chosen as follows; (that is to say,) the Persons assessed for the Support of the Poor within the Parish or Combination shall elect, in manner after mentioned, to be Members of the Parochial Board, such Number of Managers, not being more than Thirty, as the said Board of Supervision, having due Regard to the Population and other Circumstances of every such Parish or Combination, may from Time to Time fix, and possessing such Qualification by the Ownership or Occupancy of Lands and Heritages of a certain annual Value within the Parish or Combination as the said Board of Supervision, having due Regard to the Population and other Circumstances of every such Parish or Combination, may from Time to Time fix, such Qualification being in no Case fixed at a higher annual Value than Fifty Pounds, to be ascertained in manner herein-after provided in regard to the Qualification of Voters; and the Magistrates of the Burgh shall nominate Four Persons to be Members of the Parochial Board, and the Kirk Session of each Parish shall nominate not exceeding Four Members of such Kirk Session to be Members of the Parochial Board: Provided always, that those Parishes only shall be held to be separate Parishes which at the Date of this Act are separate Parishes for the Purposes of Settlement and Relief of the Poor; and that where there shall be in any such Parish Two or more Kirk Sessions the Members of such several Kirk Sessions shall meet together and nominate not exceeding Four of their Number to be Members of the Parochial Board.

Board of Supervision to fix the Day for the first Election of Managers.

XVIII. And be it enacted, That where in any Burghal Parish or Combination it shall have been so resolved to raise the Funds requisite for the Relief of the Poor by Assessment, and where the Persons from whom such Assessment is to be levied, and the Amount payable by each, shall have been ascertained or determined as herein-after provided, the Board of Supervision shall fix a Day for the Persons so assessed to elect such Number of Managers, duly qualified, to be Members of the Parochial Board as shall be regulated by the Board of Supervision as aforesaid, and shall also fix a Day or Days for the Magistrates and the Kirk Session or Kirk Sessions to nominate the Persons to be by them respectively nominated to be Members of the Parochial Board; and such Managers and Members, being elected or nominated, shall be entitled to act for the Period of One Year, and may be re-elected or re-appointed.

Mode of voting in Burghal Parishes or Combinations.

XIX. And be it enacted, That in all Cases of the Election of Managers of the Poor of any Burghal Parish or Combination under this Act the Votes shall be given or taken, collected and returned, in such Manner and under such Regulations as the Board of Supervision shall direct; and in every such Election every Person assessed for the Support of the Poor in such Parish or Combination shall be entitled to vote, whether such Assessment be made in respect of Ownership or Occupancy of Lands and Heritages, or in respect of Means and Substance; and it is hereby declared that the Owners of Lands and Heritages the annual Value of which shall be under Twenty Pounds shall have each One Vote; the Owners of Lands and Heritages the annual Value of which shall be Twenty Pounds but under Forty Pounds, Two Votes; the Owners of Lands and Heritages the annual

annual Value of which shall be Forty Pounds but under Sixty Pounds, Three Votes; the Owners of Lands and Heritages the annual Value of which shall be Sixty Pounds but under One hundred Pounds, Four Votes; the Owners of Lands and Heritages the annual Value of which shall be One hundred Pounds but under Five hundred Pounds, Five Votes; the Owners of Lands and Heritages the annual Value of which shall be Five hundred Pounds and upwards, Six Votes; and that all Persons assessed as the Occupants of Lands and Heritages, or assessed on Means and Substance, shall each have the same Number of Votes as an Owner of Lands and Heritages assessed to the same Amount for the Support of the Poor would have; and when any Occupant shall also be the Owner of Lands and Heritages, and assessed in both Capacities, he shall be entitled to vote as well in respect of his Ownership as of his Occupancy; and when any Person who is assessed on his Means and Substance shall also be an Owner of Lands and Heritages, and assessed as such, he shall be entitled to vote as well in respect of his Ownership as of his Means and Substance: Provided always, that no Person shall for himself have more than Six Votes in all, and that no Person shall be entitled to vote who shall have been exempted from Payment of his Rates or Assessment for Relief of the Poor on the Ground of Inability to pay, or who shall not have paid all such Rates and Assessments assessed upon and due from him at the Time of so voting.

Board of Supervision may divide Burghal Parishes or Combinations into Wards or Divisions for Elections.

XX. And be it enacted, That for the Purpose of conducting the Election of Managers of the Poor it shall be lawful for the Board of Supervision to divide any Burghal Parish or Combination into such and so many Wards or Divisions as they may deem expedient, and to determine and apportion the Number of Managers to be elected by every such Ward or Division, having due Regard to the Population and the Value of Property therein: Provided always, that no Person shall be entitled to vote for the Managers of the Poor in any such Ward or Division unless he reside therein, or have a Right to vote in respect of his Ownership or Occupancy of Lands and Heritages within such Ward or Division; nor shall any Person give in any One Ward or Division, in respect of Ownership or Occupancy of Lands and Heritages, a greater Number of Votes than he is entitled to in respect of Lands and Heritages in such Ward or Division; nor shall any Person give in the whole of the Wards or Divisions into which a Parish may be divided a greater Number of Votes than he would be entitled to have given if the Parish had not been so divided.

Right of voting how to be ascertained.

XXI. And be it enacted, That for the Purpose of ascertaining the Number of Votes to which each Person is entitled the Books of the Collector of the Assessment for the Poor shall be taken as the Evidence of the annual Value of the Lands and Heritages assessed, and of the Amount for which each Person is assessed.

Parochial Board in Parishes not burghal or combined.

XXII. And be it enacted, That in every Parish not being a Burghal Parish, and not being Part of any Combination as aforesaid, there shall be in like Manner a Parochial Board for the Management of the Poor of such Parish, and the whole Administration of the Laws

for the Relief of the Poor shall be under the Direction and Control of such Parochial Board, who shall have and exercise all the Powers and Authorities hitherto exercised by or vested in the Heritors and Kirk Session, or in the Heritors, Kirk Session, and Magistrates, or any other Body or Persons administering or entitled to administer the Laws for the Relief of the Poor in such Parish, by virtue of any Law or Usage; and such Parochial Board shall be constituted as follows; (that is to say,) in every such Parish as aforesaid in which the Funds requisite for the Relief of the Poor shall be provided without Assessment the Parochial Board shall consist of the Persons who, if this Act had not been passed, would have been entitled to administer the Laws for the Relief of the Poor in such Parish; and in every such Parish as aforesaid in which it shall have been resolved, as herein-after provided, to raise the Funds requisite for the Relief of the Poor by Assessment, the Parochial Board shall consist of the Owners of Lands and Heritages of the yearly Value of Twenty Pounds and upwards, and of the Provost and Bailies of any Royal Burgh, if any, in such Parish, and of the Kirk Session of such Parish, and of such Number of elected Members, to be elected in manner after mentioned, as shall be fixed by the Board of Supervision: Provided always, that no Provost or Bailie or Elder of the Kirk Session shall, as such, be a Member of such Parochial Board unless he is assessed for the Poor; and provided also, that not more than Six Members of the Kirk Session shall, as such, be Members of such Parochial Board; and if the Kirk Session shall consist of more than Six Members it shall be lawful for such Kirk Session from Time to Time to nominate Six of its Members to be Members of the Parochial Board, for such Time as to the Kirk Session shall seem fit; and it shall be competent for any Heritor, being a Member of the Parochial Board, to appoint, as heretofore, by a Writing under his Hand, any other Person to be his Agent or Mandatory to act and vote for him at such Board; and such Appointment shall remain in force till recalled; and such Writing of Appointment is hereby declared to be valid and lawful, although the Paper whereon it is written should not be stamped.

Elected Members.

XXIII. And be it enacted, That in every such Parish as aforesaid in which it shall have been resolved to raise the Funds for Relief of the Poor by Assessment, and in which the Persons from whom such Assessment is to be levied, and the Amount payable by each, have been ascertained or determined as herein-after provided, it shall and may be lawful for the Persons so assessed, not being Owners of Lands and Heritages of the yearly Value of Twenty Pounds, or Provost or Bailies of any Royal Burgh in such Parish, or Members of the Kirk Session, and as such Members of the Parochial Board, to elect so many of their own Number to be Members of the Parochial Board of such Parish as shall be regulated and fixed from Time to Time by the Board of Supervision, due Regard being had to the Amount of the Population, the Number and Residence of the other Members of the Parochial Board, and the special Wants and Circumstances of each particular Parish; and the said Board of Supervision shall also fix a Day for the said Persons to meet and choose such Number of elected Members of the Parochial Board as shall have been fixed by the Board of Supervision as aforesaid; and such elected Members,

being so appointed, shall be entitled to act for the Period of One Year, and may be re-elected: Provided always, that no Person shall be entitled to act as an elected Member unless he be assessed to the Poor, and pay Assessment to the Parish.

Elected Members how to be appointed.

XXIV. And be it enacted, That on the Day so to be fixed by the Board of Supervision as aforesaid, and on the same Day in each succeeding Year, or on a Day, as soon thereafter as may be, to be fixed by the Board of Supervision, the Persons assessed as aforesaid shall meet for the Purpose of appointing elected Members of the Parochial Board; and if they shall not agree in the Choice of elected Members, then it shall and may be lawful for the Inspector of the Poor appointed in manner after mentioned, or in case of his Absence or Inability for any Person appointed by the Parochial Board to act for the Occasion, to take in Writing and collect the Votes of the Persons entitled to vote at such Meeting, and to declare (according to the Number prescribed by the Board of Supervision) those Persons to be elected Members who shall appear to have the Majority of Votes, and in the event of an Equality the Person paying the largest Amount of Assessment shall be preferred; and at every such Meeting Owners of Lands and Heritages within the Parish under Twenty Pounds of yearly Value shall each have One Vote, and Tenants or Occupants of Lands and Heritages, and Persons assessed upon Means and Substance, if assessed to an Amount less than is assessed upon an Owner of Lands and Heritages of the yearly Value of Twenty Pounds, shall each have One Vote; and if assessed to an Amount equal to that assessed upon an Owner of Lands and Heritages of the yearly Value of Twenty Pounds but under Forty Pounds, shall each have Two Votes; and if equal to that assessed on an Owner of Lands and Heritages of the yearly Value of Forty Pounds but under Sixty Pounds, shall each have Three Votes; and if equal to that assessed on an Owner of Lands and Heritages of the yearly Value of Sixty Pounds but under One hundred Pounds, shall each have Four Votes; and if equal to that assessed on an Owner of Lands and Heritages of the yearly Value of One hundred Pounds but under Five hundred Pounds, shall each have Five Votes; and if equal to that assessed on an Owner of Lands and Heritages of the yearly Value of Five hundred Pounds or more, shall each have Six Votes; and the Books of the Collector of the Assessment in each Parish shall be binding and conclusive for the Purpose of ascertaining the Number of Votes to which any Person shall be entitled in respect of the Ownership, Occupancy, or Means and Substance upon which he is assessed; and where any Person who is assessed as Owner is assessed also as Occupier, or on Means and Substance, he shall be entitled to vote as well in respect of such Occupancy, or Means and Substance, as of his being such Owner: Provided always, that no Person shall have more than Six Votes, and that no Owner of Lands and Heritages of the yearly Value of Twenty Pounds or upwards, and no Provost, Bailie, or Member of the Kirk Session, being a Member of the Parochial Board, and no Person who shall have been exempted from the Payment of his Rates or Assessments for the Relief of the Poor on the Ground of Inability to pay, or who shall not have paid all such Rates and Assessments assessed

upon and due from him, shall be entitled to vote; and for the Purpose of conducting the Election it shall be lawful for the Board of Supervision to divide any Parish into such and so many Districts or Divisions as they may deem expedient, and to determine and apportion the Number of elected Members to be elected by every such District or Division, subject to the like Conditions and Restrictions as are herein-before provided in regard to the Election of Managers in Burghal Parishes or Combinations.

In Cases of Corporations or Joint Stock Companies, who entitled to vote.

XXV. And be it enacted, That in Cases of Lands and Heritages being owned or occupied by any Corporation, or any Joint Stock or other Company, or by Joint Owners or Joint Occupants, no Member of such Corporation or Proprietor of or interested in such Joint Stock or other Company, and no such Joint Owner or Joint Occupant, shall, as such, be entitled to vote at the Election of any Member of a Parochial Board of any Parish or Combination; but any Member or Officer of such Corporation, Joint Stock or other Company, or any One of such Joint Owners or Joint Occupants whose Name shall be entered by Order of such Corporation or Company, or the governing Body thereof, or of such Joint Owners or Joint Occupants, in the Books of the Parish or Combination, in the Manner that may be directed by the Board of Supervision, and who shall have complied with the Regulations regarding voting, shall be entitled to vote in the same Manner as if he were the Owner or Occupant of such Lands and Heritages.

Husbands may vote in right of their Wives.

XXVI. And be it enacted, That in all Meetings and Matters under this Act the Husbands of Owners of Lands and Heritages shall be entitled to vote and act in right of their Wives.

Disputes as to Elections how to be determined.

XXVII. And be it enacted, That any Dispute which may arise as to the Validity of the Election of any Person to be a Member of the Parochial Board of any Parish or Combination shall be determined by the Sheriff of the County in which such Parish or Combination, or the greater Portion of them, may be situate, upon Petition in a summary Manner; and the said Sheriff shall hear the Parties, and investigate the Matter in such Way as he may think proper, and shall have Power to call for such Evidence, and for the Production of such Documents, as he may think necessary, provided that no written Pleadings shall be allowed, and no Record shall be made of the Proceedings; and the Decision by the said Sheriff shall be final, and shall not be liable to Appeal, or to Suspension, Advocation, or Reduction, or any other Form of Review; and it shall be lawful for the said Sheriff to order the Expences of all such Proceedings to be paid by such Parties and in such Manner as to him may seem equitable: Provided always, that it shall not be lawful for any Person to question the Validity of any Election under this Act, unless a Notice in Writing of his Intention so to do be served on the Returning Officer at the Time of making the Return, or within Forty-eight Hours from the Time when such Return shall have been made.

Party returned may

XXVIII. And be it enacted, That in the event of any disputed Election of any Parochial Board, or of any Member or Members of any

any Parochial Board, the Persons whose Names are returned by the Returning Officer as having the Majority of Votes shall be entitled to sit and act as elected Members of such Board in the meantime and until the Question regarding the Validity of their Election shall have been tried and determined; and all Acts and Deeds done by them in their Character of Members of such Board or Managers for the Poor shall be valid and effectual; and no Defect in the Qualification, Election, or Appointment of any Person acting in the Character of a Member of a Parochial Board shall vitiate or make void any Proceedings of such Board in which he may have taken a Part. act in the meantime.

XXIX. And be it enacted, That if any Returning Officer be guilty of wilfully making a false Return he shall be liable to a Penalty of Fifty Pounds, to be recoverable by Action in the Court of Session, and payable to the Party or Parties aggrieved by such false Return. Penalty on Officer making false Return.

XXX. And be it enacted, That it shall be lawful for every Parochial Board to fix certain Days and Places on and at which the general Meetings of the Board shall be held, and to adjourn such Meetings from Time to Time and to such Places as they shall see fit: Provided always, that every Parochial Board shall be bound to hold at least Two general Meetings in every Year, one on the First *Tuesday* of *February*, or as soon thereafter as may be, and the other on the First *Tuesday* of *August*, or as soon thereafter as may be, or at such other stated Times as may be approved of by the Board of Supervision, and at such Meetings to revise and adjust the Roll of Paupers and their Allowances; and it shall also be lawful for every Parochial Board to hold Special Meetings as Occasion may require, upon Summonses to be issued by the Inspector of the Poor or by the Chairman of the Board; and it shall be lawful for every Parochial Board to nominate and appoint Committees to act on behalf of the whole Board, and such Committees in transacting the Business committed to them shall exercise all the Powers necessary for that Purpose which belong to the Parochial Board. Meetings of Parochial Boards and Committees.

XXXI. And be it enacted, That every Parochial Board shall annually elect One of their Number to be Chairman for the Year ensuing, and such Chairman shall preside at all Meetings of the Board, and shall have both an original and a casting Vote in case of Equality; and in the event of the Absence of the Chairman of the Board at any Meeting the Members present shall elect a Chairman *pro tempore*, who shall act as Chairman of the Meeting, and such Chairman shall have a casting as well as an original Vote. Parochial Board to elect a Chairman annually.

XXXII. And be it enacted, That each Parochial Board shall, on the Third *Tuesday* of *September* in this present Year, or on such Day thereafter as may be fixed by the Board of Supervision, meet for the Purpose of making up or causing to be made up a Roll of the poor Persons claiming and by Law entitled to Relief from the Parish or Combination, and of the Amount of Relief given or to be given to each of such Persons, and for the Purpose of appointing an Inspector or Inspectors of the Poor in such Parish or Combination, and fixing the Amount of Remuneration to be given to every such Inspector; Parochial Boards to meet and make up Roll of the Poor;

and appoint an Inspector of the Poor.

and such Meeting shall make up or cause to be made up such Roll as aforesaid with the least possible Delay, and shall nominate and appoint a fit and qualified Person or Persons to be Inspector or Inspectors of the Poor in such Parish or Combination, and shall fix the Amount of the Remuneration to be given to every such Inspector, and shall forthwith report to the Board of Supervision the Name and Address of such Inspector, and the Amount of the Remuneration to be given to him, and shall at the same or at another Meeting, to be held on a Day not more than Fourteen Days thereafter, consider and determine as to the Mode of raising the Funds requisite for the Relief of the Poor in the Parish or Combination.

Parochial Boards may resolve that the Funds shall be raised by Assessment.

XXXIII. And be it enacted, That it shall be lawful for the Parochial Board of any Parish or Combination assembled at such Meeting, or at any Adjournment thereof, or for the Parochial Board of any Parish or Combination at any Meeting of such Board called for that Purpose, and of which due Notice shall have been given, by Letter, Advertisement, or otherwise, to all the Persons entitled to attend, to resolve that the Funds requisite for the Relief of the poor Persons entitled to Relief from the Parish or Combination, including the Expences connected with the Management and Administration thereof, shall be raised by Assessment; and if the Majority of such Meeting shall resolve that the Funds shall be raised by Assessment, such Resolution shall be final, and shall be forthwith reported to the Board of Supervision, and it shall not be lawful to alter or depart from such Resolution without the Consent and Authority of the Board of Supervision previously had and obtained.

Modes of imposing Assessment.

XXXIV. And be it enacted, That when the Parochial Board of any Parish or Combination shall have resolved to raise by Assessment the Funds requisite, such Board shall, either at the same Meeting or at an Adjournment thereof, or at a Meeting to be called for the Purpose, resolve as to the Manner in which the Assessment is to be imposed; and it shall be lawful for any such Board to resolve that one Half of such Assessment shall be imposed upon the Owners, and the other Half upon the Tenants or Occupants of all Lands and Heritages within the Parish or Combination rateably according to the annual Value of such Lands and Heritages, or to resolve that one Half of such Assessment shall be imposed upon the Owners of all Lands and Heritages within the Parish or Combination according to the annual Value of such Lands and Heritages, and the other Half upon the whole Inhabitants, according to their Means and Substance, other than Lands and Heritages situated in *Great Britain* or *Ireland*, or to resolve that such Assessment shall be imposed as an equal Percentage upon the annual Value of all Lands and Heritages within the Parish or Combination, and upon the estimated annual Income of the whole Inhabitants from Means and Substance, other than Lands and Heritages situated in *Great Britain* or *Ireland*; and when the Parochial Board shall have resolved on the Manner in which the Assessment is to be imposed, such Resolution shall be forthwith reported to the Board of Supervision for Approval; and if the Manner of Assessment so resolved upon shall be approved by the Board of Supervision, the same shall be adopted and acted upon in such Parish

or

or Combination, and shall not be altered or departed from without the Sanction of the Board of Supervision; and if the Board of Supervision shall disapprove of the Manner of Assessment so resolved upon as aforesaid, the Parochial Board shall, upon such Disapproval being intimated, forthwith meet and resolve upon another Mode of imposing the Assessment consistent with Law, and shall report such Resolution to the Board of Supervision; and the Manner of imposing the Assessment so resolved upon shall be adopted and acted upon in such Parish or Combination, and shall not be altered or departed from without the Sanction of the Board of Supervision.

Assessment may be imposed according to local Act or established Usage.

XXXV. And be it enacted, That if at the Date of this Act an Assessment for the Poor shall in any Parish or Parishes be imposed according to the Provisions of any Local Act, or according to any established Usage, it shall be lawful for the Parochial Board or Boards of such Parish or Parishes to resolve that the Assessment in such Parish or Parishes shall be imposed according to the Rule established by such local Act or Usage; and such Resolution, if approved of by the Board of Supervision, shall continue to be acted upon in such Parish or Parishes, and shall not be altered or departed from without the Sanction of the Board of Supervision.

Parochial Boards may classify Lands.

XXXVI. And be it enacted, That where the one Half of any Assessment is imposed on the Owners, and the other Half on the Tenants or Occupants of Lands and Heritages, it shall be lawful for the Parochial Board, with the Concurrence of the Board of Supervision, to determine and direct that the Lands and Heritages may be distinguished into Two or more separate Classes, according to the Purposes for which such Lands are used and occupied, and to fix such Rate of Assessment upon the Tenants or Occupants of each Class respectively, as to such Boards may seem just and equitable.

Annual Value defined.

XXXVII. And be it enacted, That in estimating the annual Value of Lands and Heritages, the same shall be taken to be the Rent at which One Year with another such Lands and Heritages might in their actual State be reasonably expected to let from Year to Year, under Deduction of the probable annual average Cost of the Repairs, Insurance, and other Expences, if any, necessary to maintain such Lands and Heritages in their actual State, and all Rates, Taxes, and public Charges payable in respect of the same: Provided always, that no Mine or Quarry shall be assessed unless it has been worked during some Part of the Year preceding the Day on which the Assessment may be ordered to be levied.

Roll of Persons liable to Assessment to be made up.

XXXVIII. And be it enacted, That when the Parochial Board of any Parish or Combination shall have resolved as aforesaid to raise by Assessment the Funds requisite, and when the Manner in which the Assessment is to be imposed shall have been fixed, and the Sum to be so raised for the Year or Half Year then ensuing shall have been ascertained, such Parochial Board shall make up or cause to be forthwith made up a Book containing a Roll of the Persons liable in Payment of such Assessment, and of the Sums to be levied from each of such Persons, distinguishing the Sums assessed in respect of Ownership

or

or Occupancy, or Means and Substance; and the Book or Roll so made up shall be the Rule for levying the Assessment for the Year or Half Year then ensuing; and the Parochial Board shall appoint One or more fit and qualified Persons to be Collector or Collectors of the Assessments, and shall fix the Amount of Remuneration to be given to every such Collector; and it shall be competent to nominate and appoint the same Person who is an Inspector of the Poor to be Collector of the Assessment, and to fix the Amount of Remuneration to be given to such Person for the Performance of the additional Duties of Collector of the Assessment.

Amount of Assessment payable by each Person to be intimated.

XXXIX. And be it enacted, That as soon as may be after such Book or Roll is made up as aforesaid the Collector shall intimate to each Person the Amount of the Sum to be levied from him, and the Time when the same is payable.

Parochial Boards to fix annually the Amount of Assessment, and make up Roll of Rate-payers.

XL. And be it enacted, That before the Expiration of One Year from the Date at which the first Assessment under the Provisions of this Act shall have been imposed as aforesaid in any Parish or Combination, and yearly or half-yearly thereafter, the Parochial Board of every such Parish or Combination shall fix and determine the Amount of Assessment for the Year or Half Year then next ensuing, and shall make up or cause to be made up a Book containing a Roll of the Persons liable in Payment of such Assessment, and of the Sums to be levied from each of such Persons; and the Roll so made up shall be the Rule for levying the Assessment for the Year or Half Year then next ensuing; and the Collector shall forthwith intimate to each Person the Amount of the Sum to be levied from him, and the Time when the same is payable: Provided always, that it shall be lawful for the Parochial Board of any such Parish or Combination, if there shall have been found to exist any Error in the Sum or Sums to be levied by way of Assessment, or any Omissions or Surcharges in respect of the Persons liable to pay the same, to cause such Error, Omission, or Surcharge to be corrected at their next or any subsequent Meeting after such Error, Omission, or Surcharge shall have been discovered: Provided also, that nothing herein contained shall preclude any Person who considers himself aggrieved by such Assessment from his Remedy by Law in the like Form and on the same Grounds as, at the Date of the passing of this Act, was competent to any Party who considered himself aggrieved by Assessment imposed under the Statutes then in force for Relief of the Poor, but to the Extent and Effect only of exempting himself from Payment of any Surcharge which may have been made upon him.

Power to correct Errors;

and impose additional Assessments.

XLI. And be it enacted, That if the Assessment imposed for any Year or Half Year shall, from any unforeseen or other Circumstances, prove insufficient, it shall be lawful for the Parochial Board of such Parish or Combination to meet and impose such further and additional Assessment as may be sufficient to raise the Sum required.

Power to Parochial Boards to exempt on

XLII. And be it enacted, That it shall be lawful for the Parochial Board of any Parish or Combination to exempt from Payment of the Assessment or any Part thereof, to such an Extent as may seem proper

and reasonable, any Persons or Class of Persons on the Ground of Inability to pay. the Ground of Inability.

XLIII. And be it enacted, That where the one Half of any Assessment is imposed on the Owners, and the other Half on the Tenants or Occupants, of Lands and Heritages, it shall be competent for the Collector of such Assessment to levy the whole thereof from the Tenants or Occupants, who shall be entitled to recover One Half thereof from the Owners, or to retain the same out of their Rents, on Production of a Receipt granted by the Collector of such Assessment. Power to levy from Tenants the Assessment on Owners.

XLIV. And be it enacted, That in all Landward as well as all Burghal Parishes and Combinations where Houses have been or shall be built by the Tenant of any Land held under a Building Lease upon such Land, the Tenant and his Heirs and Assignees in such Lease shall for the Purposes of this Act be deemed and taken to be the Owners of such Houses. Long Lease-holders to be considered Owners.

XLV. And be it enacted, That in Cases where any Canal or Railway shall pass through or be situate in more than One Parish or Combination, the Proportion of the annual Value thereof on which such Assessment shall be made for each such Parish or Combination shall be according to the Number of Miles or Distance which such Canal or Railway passes through or is situated in each Parish or Combination in proportion to the whole Length. Canals and Railways how to be assessed.

XLVI. And be it enacted, That the Owners and Occupiers of Lands and Heritages shall not be liable to be assessed in respect of such Lands and Heritages for the Relief of the Poor in more than One Parish or Combination. The same Property not to be assessed in Two Parishes.

XLVII. And be it enacted, That if in any Parish or Combination in which an Assessment is imposed on Means and Substance any Company or any Individual shall occupy any Lands and Heritages, or shall carry on any Trade or Business in any Premises within such Parish or Combination, such Company and the Partners thereof, and such Individual, shall be liable to be assessed in such Parish or Combination on their or his Means and Substance derived from or relating to such Occupancy, Trade, or Business, although none of the Partners of such Company, nor such Individual, should be actually resident in such Parish or Combination; and such Company and Partners, and such Individual, shall not be liable to be assessed on the same Means and Substance in any other Parish or Combination; and if any Person shall be assessed in any Parish or Combination upon his Means and Substance, other than Means and Substance derived from or relating to the Occupancy of Lands and Heritages within such Parish or Combination, or the carrying on of Trade or Business in Premises within such Parish or Combination, such Person shall not be assessed upon the same Means and Substance in any other Parish or Combination; and if any Person shall reside in and be liable to be assessed as an Inhabitant of more than One Parish, it shall be optional to such Person to determine in which of such Companies or Individuals to be assessed in certain Cases. Means and Substance not to be assessed in more than One Parish.

Parishes he shall be assessed on his Means and Substance, other than Means and Substance derived from and relating to the Occupancy of Lands and Heritages, or the carrying on of Trade or Business in Premises within any particular Parish.

Means and Substance under 30*l.* not to be assessed.

XLVIII. And be it enacted, That no Person shall be liable to be assessed in any Parish or Combination on his Means and Substance unless the estimated annual Value thereof in whole shall exceed Thirty Pounds.

Stipends may be assessed.

XLIX. And be it enacted, That Clergymen shall be liable to be assessed for the Poor in respect of their Stipends.

Certain Privileges of Exemption to cease.

L. And be it enacted and declared, That the Privileges of Exemption from Payment of Assessments in the City of *Edinburgh*, possessed and enjoyed by Members of the College of Justice and Officers of the Queen's Household, shall not be applicable to Assessments imposed and levied for the Relief of the Poor under the Authority of this Act.

Assessment not to be void from Error or Misnomer.

LI. And be it enacted, That where any Assessment shall have been imposed by the Parochial Board of any Parish or Combination, such Assessment shall be payable at the Time or Times and in the Proportions to be appointed by the Parochial Board; and no Assessment shall be rendered void or affected by reason of any Mistake or Variance in the Christian or Surname or Designation of any Person chargeable therewith, but all Assessments shall be valid and effectual against the Person intended to be charged, and *bonâ fide* liable in Payment of the same.

Parish Property vested in new Parochial Boards.

LII. And be it enacted, That where any Property whatsoever, whether heritable or moveable, or any Revenues, shall at the Time of the passing of this Act belong to or be vested in the Heritors and Kirk Session of any Parish, or the Magistrates, or Magistrates and Town Council of any Burgh, or Commissioners, Trustees, or other Persons on behalf of the said Heritors and Kirk Session, or Magistrates, or Magistrates and Town Council, under any Act of Parliament, or under any Law or Usage, or in virtue of Gift, Grant, Bequest, or otherwise, for the Use or Benefit of the Poor of such Parish or Burgh, it shall, from and after a Time to be fixed by the Board of Supervision, be lawful for the Parochial Board of each such Parish, or of the Combination in which such Parish or Burgh may be respectively, to receive and administer such Property and Revenues, and the Right thereto shall be vested in such Parochial Board; and the said Heritors and Kirk Session, Magistrates, Town Council, Commissioners, Trustees, or other Persons are hereby authorized and required either to continue to hold all such Property and Revenues for the Behoof of such Parochial Board, or to make, grant, subscribe, and deliver such Dispositions, Assignations, and Conveyances of all such Property and Revenues as may be necessary to enable such Parochial Board to administer the same for behoof of the Poor of such Parish or Combination.

LIII. And

Funds to be invested.

LIII. And be it enacted, That all and every Sums or Sum of Money or other Funds which have been or may hereafter be given, mortified, or bequeathed for the Use of the Poor, and which shall become vested in the Parochial Board of any Parish or Combination, and whereof the annual Proceeds are to be applied for behoof of the Poor, shall, if not specially directed to be otherwise invested, be, without Delay, either lodged in a chartered Bank, or placed at Interest on Government or Heritable Security, or in the Stock of One or more of the chartered Banks in *Edinburgh*; and the Board of Supervision is hereby authorized and empowered to require Returns to be made to them from Time to Time, as they shall deem expedient, as to all such Money or Funds.

Church Collections in assessed Parishes.

LIV. And be it enacted, That in all Parishes in which it has been agreed that an Assessment should be levied for the Relief of the Poor, all Monies arising from the ordinary Church Collections shall, from and after the Date on which such Assessment shall have been imposed, belong to and be at the Disposal of the Kirk Session of each Parish: Provided always, that nothing herein contained shall be held to authorize the Kirk Session of any Parish to apply the Proceeds of such Church Collections to Purposes other than those to which the same are now in whole or in part legally applicable, or to deprive the Heritors of their Right to examine the Accounts of the Kirk Session, and to inquire into the Manner in which the Funds have been applied: Provided also, that the Session Clerk or other Officer to be appointed by the Kirk Session shall be bound to report annually, or oftener if required, to the Board of Supervision, as to the Application of the Monies arising from Church Collections, and if such Session Clerk or other Officer shall refuse to make such Report when required he shall be liable to a Penalty not exceeding Five Pounds.

Duties of Inspector of the Poor.

LV. And be it enacted, That the Inspector of the Poor in each Parish or Division of a Parish for which he may be appointed shall have the Custody of and be responsible for all Books, Writings, Accounts, and other Documents whatsoever relating to the Management or Relief of the Poor in such Parish or Division of a Parish, and it shall be the Duty of the said Inspector to inquire into and make himself acquainted with the particular Circumstances of the Case of each individual poor Person receiving Relief from the Poor Funds, and to keep a Register of all such Persons, and of the Sums paid to them, and of all Persons who have applied for and been refused Relief, and the Grounds of Refusal, and to visit and inspect personally, at least Twice in the Year, or oftener if required by the Parochial Board or Board of Supervision, at their Places of Residence, all the poor Persons belonging to the Parish or Division of the Parish in the Receipt of Parochial Relief, provided that such poor Persons be resident within Five Miles of any Part of such Parish or Division of a Parish, and to report to the Parochial Board and to the Board of Supervision upon all Matters connected with the Management of the Poor, in conformity with the Instructions which he may receive from the said Boards respectively, and to perform such other Duties as the said Boards may direct: Provided always, that in populous

Assistant Inspectors

in populous Parishes.

populous and extensive Parishes or Divisions of Parishes the Duties of inspecting and visiting the Poor may be performed by Assistant Inspectors or other competent Persons, to be appointed and paid by the Parochial Board for these Duties, and for whose Conduct and Accuracy the Inspector of the Poor shall be responsible to the Board of Supervision.

Board of Supervision may dismiss or suspend Inspectors.

LVI. And be it enacted, That if any Inspector of the Poor shall fail or neglect or refuse to perform the Duties of his Office, or shall, in the Opinion of the Board of Supervision, be unfit or incompetent to discharge the Duties of his Office, then it shall and may be lawful for the said Board of Supervision, by a Minute or Order, to suspend or dismiss such Inspector; and the Parochial Board of the Parish or Combination for which such Person is Inspector shall forthwith proceed to appoint another Person to perform the Duties of Inspector of the Poor in the Room of the Inspector so suspended or dismissed

Inspectors may pursue and defend Actions.

LVII. And be it enacted, That in case it shall be necessary to commence or institute any Action by or on behalf of any Parish or Combination, or Parochial Board for the Relief of the Poor, such Action may be brought in the Name of any Inspector of the Poor of such Parish or Combination as Pursuer; and in any Action to be brought against any Parochial Board it shall not be necessary to call the individual Members of the Parochial Board as Defenders, but it shall be lawful for the Pursuer in such Action to call any Inspector of the Poor of any such Parish or Combination, and such Inspector shall be bound to appear and answer on behalf of the Parochial Board; and all Summonses, Notices, Diligences, Decree, or other Proceedings served or obtained or had against any Inspector of the Poor shall be binding on and conclusive against the Parochial Board of the Parish or Combination for which he is an Inspector; and the Parochial Board shall have the entire Direction and Control of every such Action, although the same may be carried on in Name of the Inspector.

Actions transferred.

LVIII. And be it enacted, That all Actions brought by or against any Inspector of the Poor in his official Character shall be continued by or against his Successors in Office, notwithstanding the Death, Resignation, Suspension, or Removal of such Inspector, upon Notice given to such Successor, without any Action of Transference.

Lunatic Paupers to be placed in Asylums.

LIX. And be it enacted, That in every Case in which any poor Person who shall have become chargeable in any Parish or Combination shall be insane or fatuous, the Parochial Board of such Parish or Combination shall, within Fourteen Days from the Time when such Person is declared or known to be insane or fatuous, provide that such insane or fatuous Person be conveyed to and lodged in an Asylum or Establishment legally authorized to receive lunatic Patients; and the Inspectors of the Poor in every Parish or Combination shall and are hereby required to report without Delay to the Board of Supervision all Cases of insane or fatuous Persons chargeable as Paupers in their respective Parishes; and the said Board of Supervision is hereby authorized and empowered, on any Parochial Board refusing or neglecting to provide for the Removal of an insane or fatuous poor

Board of Supervision may direct Removal in

Person to an Asylum or Establishment as aforesaid within the Time herein-before specified, to take such Measures as may be necessary for removing such insane or fatuous poor Person to a Lunatic Asylum or Establishment; and the whole Expence of such Removal and all subsequent Expences shall be recoverable from and defrayed by such Parochial Board: Provided always, that under special Circumstances in particular Cases it shall be lawful for the Parochial Board, with the Consent of the Board of Supervision, to dispense with the Removal of insane or fatuous poor Persons to a Lunatic Asylum or Establishment, and to provide for them in such other Manner and under such Regulations as to Inspection and otherwise as shall be sanctioned by the Board of Supervision. certain Cases.

LX. And whereas for more effectually administering to the Wants of the aged and other friendless impotent Poor, and also for providing for those poor Persons who from Weakness or Facility of Mind, or by reason of dissipated and improvident Habits, are unable or unfit to take charge of their own Affairs, it is expedient that Poorhouses should be erected in populous Parishes; be it enacted, That in every Case in which a Parish or Combination of Parishes contains more than Five thousand Inhabitants, according to the Enumeration of the Population then last published by Authority of Parliament, it shall be lawful for the Parochial Board of any such Parish or Combination to take into consideration the Propriety of erecting a Poorhouse for such Parish or Combination, or of altering or enlarging any existing Poorhouse; and if after full Time and Opportunity given for deliberate Consideration the said Parochial Board shall be satisfied of the Propriety of erecting a Poorhouse, or of enlarging any existing Poorhouse, and shall come to a Resolution to that Effect, such Resolution shall be forthwith reported to the Board of Supervision, and if approved of by the Board of Supervision the same shall be carried into execution by the said Parochial Board. Provision as to Poorhouses.

LXI. And be it enacted, That, with the Concurrence of the Board of Supervision had and obtained thereto, it shall be lawful for the Parochial Boards of any Two or more contiguous Parishes to agree to build a common Poorhouse for such Two or more Parishes; and the Expence of maintaining and erecting such Poorhouse shall be borne by such Parishes in such Proportions as shall be agreed on by the Parochial Boards of the said Parishes respectively: Provided always, that if any such Agreement for the Purpose of building a Poorhouse has once been effected, it shall not be lawful for any One or more of the Parishes to withdraw from such Agreement without the Consent of the Board of Supervision previously had and obtained. Parishes may unite for the Purpose of building Poorhouses.

LXII. And be it enacted, That for the Purpose of erecting new Poorhouses, and for enlarging, altering, or repairing any existing Poorhouse, the Parochial Board in any Parish or Combination is hereby authorized and empowered to borrow Money; and for the more effectually securing the Repayment of the Sum borrowed, with Interest, it shall be lawful for the said Parochial Board to burden or charge the future Assessments for the Poor in such Parish or Combination Power to borrow Money for building Poorhouses.

with the Amount of the Money so borrowed: Provided always, that the Principal Sum so borrowed shall in no Case exceed Three Times the Amount of the Assessment raised for the Relief of the Poor during the Year immediately preceding that in which the Money is borrowed; and that any Loan of Money borrowed for the Purposes aforesaid shall be repaid by annual Instalments of not less in any One Year than One Tenth of the Sum borrowed, exclusive of the Payment of the Interest on the same: Provided also, that no further or other Sum shall be borrowed or chargeable on the Poor Assessment for the Purposes aforesaid until the whole of the Money last borrowed, with Interest on the same, shall have been paid off.

Plans for Poorhouses to be approved by Board of Supervision.

LXIII. And be it enacted, That from and after the passing of this Act no new Poorhouse shall be built, nor shall any existing Poorhouse be enlarged or altered, nor shall it be lawful to impose an Assessment or borrow Money for such Purposes, unless the Plan of such new Poorhouse, or of such proposed Enlargements or Alterations, shall have been submitted to and approved by the Board of Supervision, and signed, subscribed, or endorsed by at least Three of the Members of the said Board in attestation of their Approval.

Parochial Boards to frame Rules for Regulation of Poorhouses.

LXIV. And be it enacted, That in every Case in which a Poorhouse already exists, or shall be built or enlarged or altered under the Provisions of this Act, the Parochial Board or Boards shall frame Rules and Regulations for the Management of such Poorhouse, and for the Discipline and Treatment of the Inmates thereof, and for the Admission of any known Minister of the religious Persuasion of any Inmate of such Poorhouse at all reasonable Times, on the Request of such Inmate, for the Purpose of affording religious Assistance to such Inmate, and shall submit such Rules and Regulations to the Board of Supervision for Approval; and no Rules or Regulations shall be effectual, or shall be acted upon, except such as shall have been approved by the Board of Supervision.

Poor Persons from other Parishes may be received into Poorhouses.

LXV. And be it enacted, That it shall be lawful for the Parochial Board of any Parish or Combination in which a Poorhouse has been or shall hereafter be erected to receive and accommodate in such Poorhouse poor Persons belonging to any other Parish, and to charge such Rates for the Maintenance of such poor Persons as shall be approved by the Board of Supervision, and such poor Persons shall be in all respects subject to the same Discipline and Treatment as the other Inmates of the Poorhouse in which they are so accommodated.

Medical Attendance in Poorhouses.

LXVI. And be it enacted, That in all Cases in which Poorhouses shall be erected or enlarged or altered, under the Provisions of this Act, there shall be proper and sufficient Arrangements made for dispensing and supplying Medicines to the sick Poor, under such Regulations as the Parochial Board shall make, and the Board of Supervision shall approve; and there shall be provided by the Parochial Board proper Medical Attendance for the Inmates of every such Poorhouse, and for that Purpose it shall be lawful for the Parochial Board to nominate and appoint a properly qualified Medical Man who shall give regular Attendance at such Poorhouse, and to fix a reasonable Remuneration

Remuneration to be paid to him by such Parochial Board: Provided always, that if it shall appear to the Board of Supervision that such Medical Man is unfit or incompetent or neglects his Duty, it shall be lawful for the Board of Supervision to suspend or remove such Medical Man from his Appointment and Attendance.

Parishes may subscribe to Hospitals, &c.

LXVII. And be it enacted, That it shall be lawful for the Parochial Board in any Parish or Combination, for the Benefit of the Poor of such Parish or Combination, to contribute annually, or otherwise, such Sums of Money as to them may seem reasonable and expedient, from the Funds raised for the Relief of the Poor, to any public Infirmary, Dispensary, or Lying-in Hospital, or to any Lunatic Asylum, or Asylum for the Blind or Deaf and Dumb.

Funds raised by Assessment applicable to Relief of occasional Poor.

LXVIII. And be it enacted, That from and after the passing of this Act all Assessments imposed and levied for the Relief of the Poor shall extend and be applicable to the Relief of occasional as well as permanent Poor: Provided always, that nothing herein contained shall be held to confer a Right to demand Relief on able-bodied Persons out of Employment.

Medical Relief, Clothing, and Education.

LXIX. And be it enacted, That in every Parish or Combination it shall and may be lawful for the Parochial Board and they are hereby required, out of the Funds raised for the Relief of the Poor, to provide for Medicines, Medical Attendance, nutritious Diet, Cordials, and Clothing for such Poor, in such Manner and to such Extent as may seem equitable and expedient; and it shall be lawful for the Parochial Board to make Provision for the Education of poor Children who are themselves or whose Parents are Objects of Parochial Relief.

Destitute Persons to be relieved, although having no Settlement in the Parish to which they apply.

LXX. And be it enacted, That in every Case in which a poor Person in any Parish or Combination shall apply for Parochial Relief, the Inspector of the Poor, or other Officer of such Parish or Combination whose Duty it shall be to attend to such Applications, shall be bound to make Inquiry forthwith into the Circumstances of the Applicant, and shall, notwithstanding such poor Person may not have a Settlement in the Parish or Combination, if he be in other respects legally entitled to Parochial Relief, be bound to furnish him with sufficient Means of Subsistence until the next Meeting of the Parochial Board, and such Board shall continue to afford to such poor Person such interim Maintenance as may be adjudged necessary until the Parish or Combination to which such poor Person belongs be ascertained, and his Claim upon such Parish or Combination admitted or otherwise determined, or until he shall be removed; and every Inspector of the Poor, or other Officer to whom Application shall be made by or on behalf of any poor Person for Parochial Relief, shall be bound to return an Answer to such Application within Twenty-four Hours from the Time when it was made: Provided always, that if the necessary Means of Support are afforded to the Applicant in the meantime, such Inspector or other Officer may delay giving a final Answer to such Application for any Period which to him may seem necessary for prosecuting his Inquiries: Provided also, that such

such poor Person shall be bound to give to the Inspector and Parochial Board of the Parish or Combination to which he has applied for Relief all Information and Assistance which it is in his Power to give for the Purpose of ascertaining the Parish or Combination to which he belongs, and every other Matter regarding his Case which the Inspector may desire to ascertain, and shall be bound to answer upon Oath, if required, all such Questions as may be put to him before any Justice of the Peace or Magistrate, and in case of false swearing shall be liable to be prosecuted for Perjury.

Expences may be recovered from Parish of Settlement.

LXXI. And be it enacted, That where in any Case Relief shall be afforded to a poor Person found destitute in a Parish or Combination, it shall be lawful for the Parochial Board of such Parish or Combination to recover the Monies expended in behalf of such poor Person from any Parish or Combination within *Scotland* to which he may ultimately be found to belong, or from his Parents or other Persons who may be legally bound to maintain him: Provided always, that in all Cases in which Relief shall be afforded by One Parish or Combination to a poor Person having a Settlement in another Parish or Combination, written Notice of such poor Person having become chargeable shall be given to the Inspector of the Poor of the Parish or Combination to which such poor Person belongs; and the Parish or Combination affording Relief shall not be entitled to recover for any Charges or Expences incurred in respect of such poor Person, except from and after the Date of such Notice.

Where Parishes do not provide for Removal of their Poor from other Parishes after Notice.

LXXII. And be it enacted, That if within a reasonable Time after Notice the Parish or Combination to which such poor Person shall as aforesaid have been ascertained to belong shall not remove such poor Person, or shall not make Provision to the Satisfaction of the Parish or Combination which has given the Notice for the constant weekly Subsistence of such poor Person, it shall be lawful for the Parish or Combination which has given the Notice to cause such poor Person to be removed to the Parish or Combination to which he belongs, at the Expence of such last-mentioned Parish or Combination, unless such poor Person shall, owing to Sickness or Infirmity, be incapable of being removed, in which Case the Parish or Combination in which he is shall be bound to relieve him, and shall be entitled to recover from the Parish or Combination to which he belongs the Amount so expended, provided that such Amount does not exceed the Rate expended for Relief of other poor Persons in the Parish so relieving such poor Person.

Party refused may apply to Sheriff.

LXXIII. And be it enacted, That if Relief shall be refused to any poor Person who shall have made Application for Relief, it shall and may be lawful for such poor Person to apply to the Sheriff of the County in which the Parish or Combination from which such poor Person has claimed Relief, or any Portion of such Parish or Combination, is situate, and the said Sheriff shall forthwith, if he be of Opinion that such poor Person is, upon the Facts stated, legally entitled to Relief, make an Order upon the Inspector of the Poor, or other Officer of such Parish or Combination, directing him to afford Relief to such poor Person in the meantime until such Inspector or

other Officer shall, on or before a Day to be appointed by the said Sheriff, and to be intimated in the same Order, give in a Statement in Writing showing the Reasons why the Application of such poor Person for Relief was refused, which Statement the said Sheriff shall afterwards appoint to be answered, and shall, if required, nominate an Agent to appear and answer on behalf of such poor Person, and shall further, if necessary, direct a Record to be made up, and a Proof to be led by both Parties; and it shall be lawful for the Sheriff, if he shall see fit, to direct the interim Support to such poor Person to be continued until a final Judgment shall have been pronounced on the Merits of the Case: Provided always, that nothing herein contained shall be construed to enable the said Sheriff to determine on the Adequacy of the Relief which may be afforded, or to interfere in respect of the Amount of Relief to be given in any individual Case.

Proceedings when Amount of Relief considered inadequate.

LXXIV. And be it enacted, That in every Case in which any poor Person shall consider the Relief granted him to be inadequate, such poor Person shall lodge or cause to be lodged a Complaint with the Board of Supervision, which Board shall and is hereby required, without Delay, to investigate the Nature and Grounds of the Complaint; and if, upon Inquiry, it shall appear that the Grounds of such Complaint are well founded, and if the same shall not be removed, then the said Board shall by a Minute declare that in the Opinion of the Board such poor Person has a just Cause of Action against the Parish or Combination from which he claims Relief, and a Copy of such Minute, certified and signified by the Secretary, shall, if required, be delivered to such poor Person, and upon the Production or Exhibition of such Minute or certified Copy thereof such poor Person shall forthwith, and without any further Proceedings, be entitled to the Benefit of the Poor's Roll in the Court of Session; and it shall be lawful for the Board of Supervision, after any Action has actually been commenced by or on behalf of such poor Person, to award to him such interim Aliment as to the said Board shall seem just during the Dependency of such Action, which Award the Parochial Board of every such Parish or Combination shall be bound to obey.

No Action to lie relative to Relief, unless by Consent of Board of Supervision.

LXXV. Provided always, and be it enacted, That it shall not be competent for any Court of Law to entertain or decide any Action relative to the Amount of Relief granted by Parochial Boards, unless the Board of Supervision shall previously have declared that there is a just Cause of Action as herein-before provided.

Settlement by Residence for Five Years.

LXXVI. And be it enacted, That from and after the passing of this Act no Person shall be held to have acquired a Settlement in any Parish or Combination by Residence therein unless such Person shall have resided for Five Years continuously in such Parish or Combination, and shall have maintained himself without having Recourse to common begging, either by himself or his Family, and without having received or applied for Parochial Relief; and no Person who shall have acquired a Settlement by Residence in any Parish or Combination shall be held to have retained such Settlement if during any subsequent Period of Five Years he shall not have resided in such Parish or Combination continuously for at least

One Year: Provided always, that nothing herein contained shall be held to affect those Persons who, previous to the passing of this Act, shall have acquired a Settlement by virtue of a Residence of Three Years, and shall have become proper Objects of Parochial Relief.

Removal of English and Irish Paupers.

LXXVII. And be it enacted, That if any poor Person born in *England*, *Ireland*, or the *Isle of Man*, and not having acquired a Settlement in any Parish or Combination in *Scotland*, shall be in the course of receiving Parochial Relief in any Parish or Combination in *Scotland*, then and in such Case it shall be lawful for the Sheriff or any Two Justices of the Peace of the County in which such Parish or any Portion thereof is situate, and they are hereby authorized and required, upon Complaint made by the Inspector of the Poor, or other Officer appointed by the Parochial Board of such Parish or Combination, that such poor Person has become chargeable to such Parish or Combination by himself or his Family, to cause such Person to be brought before them, and to examine such Person or any Witness, on Oath, touching the Place of the Birth or last legal Settlement of such Person, and to take such other Evidence or other Measures as may by them be deemed necessary for ascertaining whether he has gained any Settlement in *Scotland*; and if it shall be found by such Sheriff or Justices that the Person so brought before them was born either in *England* or *Ireland* or the *Isle of Man*, and has not gained any Settlement in *Scotland*, and has actually become chargeable to the complaining Parish or Combination by himself or his Family, then such Sheriff or Justices shall and they are hereby empowered, by an Order of Removal under their Hands, which Order may be drawn up in the Form of the Schedule (A.) hereunto annexed, to cause such poor Person, his Wife, and such of his Children as may not have gained a Settlement in *Scotland*, to be removed by Sea or Land, by and at the Expence of the complaining Parish, to *England* or *Ireland* or the *Isle of Man* respectively, according as such poor Person shall belong to *England*, *Ireland*, or the *Isle of Man*: Provided always, that no Person shall be so removed until there has been obtained a Certificate, on Soul and Conscience, by a regular medical Practitioner, setting forth that the Health of such Person, his Wife and Children as aforesaid, is such as to admit of such Removal: Provided also, that nothing herein contained shall prevent any Parochial Board or their Inspector from making Arrangements for the due and proper Removal of such poor Persons either by Land or Water, provided the Arrangement be made with the Consent of such poor Persons themselves.

Removing Officer to have Powers of a Constable.

LXXVIII. And be it enacted, That every Officer, Constable, or other Person to whom any such Order of Removal shall be delivered for the Purpose of being carried into execution shall and may by virtue thereof detain and hold in safe Custody every poor Person mentioned in any such Order until such poor Person shall have arrived at the Place to which he is ordered to be removed, and shall and may for that Purpose, in every County and Place through which he shall pass in the due Execution of such Order, have and exercise the Powers with which a Constable is by Law invested,

vested, notwithstanding such Person may not otherwise be empowered to act as a Constable for the County or Place respectively through which he may have Occasion to pass in carrying such Order into execution, and although such Order may not have been granted or backed by any Judge or Magistrate of such County or Place.

Persons again becoming chargeable to be punished.

LXXIX. And be it enacted, That if any Person who has been removed to *England* or *Ireland* or the *Isle of Man* from any Parish or Combination in *Scotland*, under any Order of Removal, shall afterwards return to *Scotland* and apply for Relief, or again become chargeable by himself or his Family to the same Parish or Combination without having obtained a Settlement therein, such Person shall be deemed to be a Vagabond under the Provisions of an Act of the *Scottish* Parliament passed in the Year One thousand five hundred and seventy-nine, intituled *An Act for Punishment of strang and idle Beggars, and Reliefe of the pure and impotent*, and may be apprehended and prosecuted criminally before the Sheriff of the County in which such Parish or any Portion thereof is situate, at the Instance of the Inspector of the Poor of the Parish to which he shall have so applied for Relief or become chargeable, and shall upon Conviction be punishable by Imprisonment, with or without hard Labour, for such a Period as the said Sheriff shall think proper, not exceeding Two Months.

1579, c. 74.

Punishment for Desertion of Wives, and Refusal to maintain illegitimate Children.

LXXX. And be it enacted, That every Husband or Father who shall desert or neglect to maintain his Wife or Children, being able so to do, and every Mother and every putative Father of an illegitimate Child, after the Paternity has been admitted or otherwise established, who shall refuse or neglect to maintain such Child, being able so to do, whereby such Wife or Children or Child shall become chargeable to any Parish or Combination, shall be deemed to be a Vagabond under the Provisions of the aforesaid Act of the *Scottish* Parliament passed in the Year One thousand five hundred and seventy-nine, and may be prosecuted criminally before the Sheriff of the County in which such Parish or Combination or any Portion thereof is situate, at the Instance of the Inspector of the Poor of such Parish or Combination, and shall upon Conviction be punishable by Fine or Imprisonment, with or without hard Labour, at the Discretion of the said Sheriff.

1579, c. 74.

Penalties how to be recovered.

LXXXI. And be it enacted, That every Penalty or Forfeiture imposed by this Act, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding upon Complaint in Writing made in the Name of the Secretary to the Board of Supervision, or of any Agent to be appointed by a Minute of the said Board, to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of any County in which the Offender may be found; and on such Complaint being made such Sheriff shall issue a Warrant for bringing the Party complained against before him, or shall issue an Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending

offending either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereupon the same has proceeded; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Expences as the Sheriff shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty or Forfeiture and Expences shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty or Forfeiture and Expences, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture or Expences shall not have been paid, and shall in no Case exceed Three Calendar Months.

Application of Penalties.

LXXXII. And be it enacted, That the Sheriff by whom any Penalty or Forfeiture shall be imposed by virtue of this Act, the Application whereof is not herein otherwise provided for, shall award such Penalty or Forfeiture to the Poor of the Parish or Combination in which the Offence shall have been committed, and shall order the same to be paid over to the Inspector of the Poor or other Officer for that Purpose; provided that no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act unless such Penalty or Forfeiture shall have been prosecuted for within Six Months after the Commission of the Offence for which it has been incurred.

To be prosecuted for within Six Months.

Rate-payers competent Witnesses.

LXXXIII. And be it enacted, That no Inhabitant or other Person liable to be assessed for the Relief of the Poor in any Parish shall be deemed an incompetent Witness in any Proceeding for the Recovery of any Penalty or Forfeiture inflicted or imposed for any Offence against this Act, notwithstanding such Penalty, when recovered, shall be applicable as aforesaid.

Penalty on Witnesses making default.

LXXXIV. And be it enacted, That if any Person who shall be summoned as a Witness to give Evidence before any Sheriff in any Matter in which such Sheriff shall have Jurisdiction under the Provisions of this Act shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, or, appearing shall refuse to be examined upon Oath or to give Evidence before such Sheriff, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence, over and above any other Punishment to which such Person may by Law be liable for every such Refusal.

Informalities.

LXXXV. And be it enacted, That no Proceeding for the Recovery of Penalties or Forfeitures in pursuance of this Act shall be set aside for Want of Form, or on the Ground of no Record having been made, nor shall the same be removed by Suspension, Advocation, Appeal, or

or otherwise into or be in any Manner subject to Review or Reduction by any Superior Court.

Limitation of Actions.

LXXXVI. And be it enacted, That all Actions on account of any thing done in the Execution of this Act shall be brought before the Sheriff Court, and every such Action shall be commenced within Three Calendar Months after the Fact committed, and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defender One Calendar Month at least before the Commencement of the Action; and no Pursuer shall recover in any Action for Irregularity or wrongful Proceedings if Tender of sufficient Amends shall be made by or on behalf of the Party who shall have committed or caused to be committed any such Irregularity or wrongful Proceedings before such Action shall have been brought, or if during the Dependence of such Action a Tender shall be made of sufficient Amends, and of all Charges and Expences which the Pursuer may already at the Time of such Tender being made have incurred in prosecuting such Action.

Tenders of Amends.

Provision for Refusal or Neglect of Parochial Boards.

LXXXVII. And be it enacted, That in case any Parochial Board shall refuse or neglect to do what is herein or otherwise by Law required of them, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the said Board of Supervision to apply by summary Petition to the Court of Session, or, during the Vacation of the said Court, to the Lord Ordinary on the Bills, which Court and Lord Ordinary are hereby authorized and directed in such Case to do therein as to such Court or Lord Ordinary shall seem just and necessary.

Assessments for the Poor may be recovered summarily as Land and Assessed Taxes.

LXXXVIII. And be it enacted, That the whole Powers and Right of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or either of them, and other public Taxes, shall be held to be applicable to Assessments imposed for the Relief of the Poor; and the Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for the Recovery of all such Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes: Provided always, that it shall nevertheless be competent to prosecute for and recover such Assessments by Action in the Sheriff's Small Debt Court; and all Assessments for the Relief of the Poor shall, in case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Parties assessed.

Parochial Board may borrow Money on Security of Assessment remaining due.

LXXXIX. And be it enacted, That if the Parochial Board of any Parish or Combination shall find it necessary in any Year or Half Year to make Disbursements for the Relief of the Poor beyond the Amount received of the Assessment applicable to the Expenditure of such Year or Half Year, it shall be competent for such Board to borrow Money on the Security of such Part of the Assessment as is still due and unreceived, but not to an Amount greater than One Half of such Part of such Assessment; and when any Money has been so borrowed

as aforesaid on the Security of Assessments, it shall not be competent to borrow on the Security of any future Assessment until the Money borrowed as aforesaid shall have been paid off.

Notices how to be given.

XC. And be it enacted, That in all Cases in which by the Provision of this Act Notice or Intimation is required to be given without prescribing the particular Form of the Notice, or the Manner in which the same is to be given, it shall be lawful for the Board of Supervision from Time to Time to fix the Form of such Notice or Intimation, and the Manner in which the same is to be given.

Former Acts repealed which are at variance with this Act.

XCI. And be it enacted, That all Laws, Statutes, and Usages shall be and the same are hereby repealed, in so far as they are at variance or inconsistent with the Provisions of this Act; provided always, that the same shall continue in force in all other respects: Provided also, that nothing herein contained shall be held to affect or repeal an Act passed in the Seventh Year of Her present Majesty, intituled *An Act for the Liquidation of the Debt owing by the Charity Workhouse of the City of* Edinburgh, in so far as such Act relates to that Debt, and the Powers thereby conferred for paying off the same.

7 & 8 Vict. c. vi.

Alteration of Act.

XCII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHE-

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

Order for Removal to England, &c.

I *A.B.*, the Sheriff [*or* We, *C.D.* and *E.F.*, Two of the Justices of the Peace,] of the County of do hereby order and adjudge *G.H.*, who has become and is now actually chargeable to the Parish of to be removed, with *J.H.* his Wife and *K.L.M.* his Children, and conveyed to England, *&c.*, in pursuance of the Provisions of an Act made and passed in the Eighth and Ninth Years of the Reign of Queen Victoria, intituled [*Title of this Act*].

(Signed)

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXXIV.

An Act to repeal the several Laws relating to the Customs. [4th *August* 1845.]

WHEREAS several Acts were passed in a Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, for consolidating the Laws relating to the Customs and to Navigation: And whereas since the passing of those Acts divers Acts for the Amendment of them have been found necessary: And whereas it is expedient again to consolidate the said Laws, and therefore that all the said Acts should be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Effect for all the Purposes therein mentioned. Commencement of Act.

II. And be it enacted, That the several Acts herein-after mentioned shall be repealed; (that is to say,) an Act passed in the First Year of King *William* the Fourth, intituled *An Act to subject to Duties of Customs Goods the Property of the Crown, in case of Sale after Importation;* also an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* The following Acts repealed: 11 G. 4. & 1 W 4. c. 45.

3 & 4 W. 4. c. 51. *William* the Fourth, intituled *An Act for the Management of the Customs;* also an Act passed in the same Session of Parliament,
3 & 4 W. 4. c. 52. intituled *An Act for the general Regulation of the Customs;* also an Act passed in the same Session of Parliament, intituled *An Act for*
3 & 4 W. 4. c. 53. *the Prevention of Smuggling;* also an Act passed in the same
3 & 4 W. 4. c. 54. Session of Parliament, intituled *An Act for the Encouragement of* British *Shipping and Navigation;* also an Act passed in the same
3 & 4 W. 4. c. 55. Session of Parliament, intituled *An Act for the registering of* British *Vessels;* also an Act passed in the same Session of Parliament,
3 & 4 W. 4. c. 56. intituled *An Act for granting Duties of Customs;* also an Act passed
3 & 4 W. 4. c. 57. in the same Session of Parliament, intituled *An Act for the warehousing of Goods;* also an Act passed in the same Session of Parliament, intituled *An Act to grant certain Bounties and Allowances of*
3 & 4 W. 4. c. 58. *Customs;* also an Act passed in the same Session of Parliament,
3 & 4 W. 4. c. 59. intituled *An Act to regulate the Trade of the* British *Possessions abroad;* also an Act passed in the same Session of Parliament,
3 & 4 W. 4. c. 60. intituled *An Act for regulating the Trade of the* Isle of Man; also
3 & 4 W. 4. c. 61. an Act passed in the same Session of Parliament, intituled *An Act to admit Sugar without Payment of Duty to be refined for Exportation;* also an Act passed in the Fourth Year of the Reign of
4 & 5 W. 4. c. 13. King *William* the Fourth, intituled *An Act to repeal so much of an Act of the last Session of Parliament for the Prevention of Smuggling as authorizes Magistrates to sentence Persons convicted of certain Offences to serve His Majesty in His Naval Service; and to alter and amend the said Act;* also an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of King *William*
4 & 5 W. 4. c. 89. the Fourth, intituled *An Act to amend the Laws relating to the Customs,* except so much thereof as relates to Steam Vessels carrying Passengers between *Great Britain* and *Ireland;* also an Act passed in the Session of Parliament holden in the Fifth and Sixth Years
5 & 6 W. 4. c. 56. of the Reign of King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burden of the Shipping of the United Kingdom;* also an Act passed in the same Session of
5 & 6 W. 4. c. 66. Parliament, intituled *An Act to amend the Laws relating to the Customs;* also an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of King *William* the
6 & 7 W. 4. c. 60. Fourth, intituled *An Act to amend the Laws relating to the Customs;* also an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled
1 & 2 Vict. c. 113. *An Act to amend the Laws relating to the Customs,* except so much thereof as relates to the Carriage of Passengers in Merchant Vessels; also an Act passed in the Session of Parliament holden in the Fifth
5 & 6 Vict. c. 47. and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Customs,* except so much thereof as relates to the Sale and the Assay of Foreign Gold and Silver Plate;
5 & 6 Vict. c. 49. also an Act passed in the same Session of Parliament, intituled *An Act to amend the Laws for the Regulation of the Trade of the* British *Possessions abroad;* also an Act passed in the same Session of Par-
5 & 6 Vict. c. 56. liament, intituled *An Act for further amending the Laws relating to the Customs,* except so much thereof as relates to Gold and Silver Plate; also an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty,
6 & 7 Vict. c. 84. intituled *An Act to amend the Laws of Customs;* also an Act passed

in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Customs;* also an Act passed in the same Session of Parliament, intituled *An Act to amend the Laws relating to the Customs in the* Isle of Man; also an Act passed in this present Session of Parliament, intituled *An Act to alter and amend certain Duties of Customs;* also another Act passed in this present Session of Parliament, intituled *An Act to make perpetual and amend an Act of the Fifth and Sixth Years of Her present Majesty, for preventing Ships clearing out from any Port in* British North America *or in the Settlement of* Honduras *from loading any Part of their Cargo of Timber upon Deck;* and the said several Acts before mentioned are hereby accordingly repealed, except so far as the said Acts or any of them repeal any former Act or Acts, or any Part of such Act or Acts, and except so far as relates to any Arrears of Duty, or to any Drawbacks which shall have become due and payable, or to any Penalty or Forfeiture which shall have been incurred under the said Act or Acts hereby repealed, or any of them, or to any Offence which shall have been committed contrary to such Act or Acts, or any of them.

7 & 8 Vict. c. 16.
7 & 8 Vict. c. 43.
8 & 9 Vict. c. 12.
8 & 9 Vict. c. 45.
except as to Duties due, Penalties incurred, or Offences committed.

III. And be it enacted and declared, That all Orders made by Her Majesty in Council, or under the Authority of any of the Acts hereby repealed, or of any other Act relating to the Customs or to Trade or Navigation, and all Bonds taken or Licences granted under the Authority of any such Act or Acts, and all Acts whatsoever done under the Authority or in pursuance of any such Act or Acts, shall be valid and effectual, notwithstanding the Act or Acts under the Authority of which such Orders shall have been made, or such Bonds shall have been taken and Licences granted, and such Acts shall have been done, may be repealed.

All Orders in Council, Bonds, and Licences, and all Acts done under repealed Acts, to be valid, notwithstanding the Repeal.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXXV.

An Act for the Management of the Customs.

[4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the Management of the Customs*, whereby the Laws in relation to the Management of the Customs were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Act and Parts of Acts should be consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force for all the Purposes mentioned therein, except where any other Commencement is herein particularly directed. 3 & 4 W. 4. c. 51. Commencement of Act

II. And be it enacted, That it shall be lawful for Her Majesty from Time to Time to appoint, under the Great Seal of the United Kingdom, any Number of Persons not exceeding Thirteen to be Commissioners of Her Majesty's Customs for the Collection and for the Management Board of Customs, Appointment of.

Management of the Customs in and throughout the whole of the United Kingdom, and of any of Her Majesty's Possessions abroad; and that each of such Commissioners, when so appointed, shall have and hold his Office during Her Majesty's Pleasure.

Commissioners subject to the Control of the Treasury.

III. And be it enacted, That the said Commissioners so appointed or to be appointed by Her Majesty shall, in all Matters and Things relating to the Execution of their Duties, be subject to the Authority, Directions, and Control of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and shall obey such Orders and Instructions as shall from Time to Time be issued to them by the said Commissioners of Her Majesty's Treasury under the Hands of Three or more of them.

Orders to be under the Hands of the Commissioners.

IV. And be it enacted, That every Order, Document, Instrument, or Writing, not being for the Payment of Money, required by any Law at any Time in force to be under the Hands or under the Hands and Seals of the Commissioners of Her Majesty's Customs, being attested by the Hands or the Hands and Seals of Two or more of such Commissioners, and every such Order for the Payment of Money being attested by the Signatures of Three or more of such Commissioners, shall be deemed to be an Order, Document, Instrument, or Writing under the Hands or under the Hands and Seals, as the Case may be, of the Commissioners of Her Majesty's Customs accordingly.

Previous Appointments to remain in force.

V. And be it enacted, That any Appointment of Commissioners of Her Majesty's Customs in force at the Time of the Commencement of this Act shall continue in force as if the same had been afterwards made under and by virtue of the Authority of this Act.

Appointment of necessary Officers of Customs.

Salaries and Allowances, and Securities.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or for the Commissioners of Her Majesty's Customs under the Authority of the said Commissioners of Her Majesty's Treasury, to appoint proper Persons to execute the Duties of the several Offices necessary to the due Management and Collection of the Customs, and all Matters connected therewith, under the Control and Direction of the Commissioners of Her Majesty's Customs, and to grant or allow to such Persons such Salaries or other Allowances, or to permit such Emoluments, for the Labour and Responsibility in executing the Duties of their respective Offices or Employments, and to require of such Persons such Securities for their good Conduct therein, as the said Commissioners of Her Majesty's Treasury shall deem to be reasonable and necessary; and such Persons shall hold their Offices during the Will and Pleasure of the said Commissioners of Her Majesty's Treasury, or of the Commissioners of Her Majesty's Customs, in such Cases and in such Manner as the said Commissioners of Her Majesty's Treasury shall direct.

Persons employed by Customs

VII. And be it enacted, That every Person employed on any Duty or Service relating to the Customs by the Orders or with the

Concurrence

Concurrence of the Commissioners of Her Majesty's Customs (whether previously or subsequently expressed) shall be deemed to be the Officer of the Customs for that Duty or Service; and that every Act, Matter, or Thing required by any Law at any Time in force to be done or performed by, to, or with any particular Officer nominated in such Law for such Purpose, being done or performed by, to, or with any Person appointed by the Commissioners of Her Majesty's Customs to act for or in behalf of such particular Officer, the same shall be deemed to be done or performed by, to, or with such particular Officer; and that every Act, Matter, or Thing required by any Law at any Time in force to be done or performed at any particular Place within any Port, being done or performed at any Place within such Port appointed by the Commissioners of Her Majesty's Customs for such Purpose, the same shall be deemed to be done or performed at the particular Place so required by Law.

deemed Officers for such Service.

Duties of Officers performed by Persons and at Places appointed by Commissioners.

VIII. And be it enacted, That if any Officer, Clerk, or other Person acting in any *Office or Employment in or belonging to the* Customs under *the Control and Direction of the Commissioners of* Her Majesty's *Customs in any Part of Her Majesty's Dominions* shall take or receive any *Fee, Perquisite, Gratuity, or Reward,* whether pecuniary or of any other Sort or Description whatever, directly or indirectly, from any Person (not being a Person duly appointed to some Office in the Customs), on account of any thing done or to be done by him in or in any way relating to his said Office or Employment, except such as he shall receive under any Order or Permission of the said Commissioners of Her Majesty's Treasury, every such Officer so offending shall, on Proof thereof to the Commissioners of Her Majesty's Customs, be dismissed from his Office; and if any Person (not being a Person duly appointed to some Office in the Customs) shall give, offer, or promise to give any such Fee, Perquisite, Gratuity, or Reward, such Person shall for every such Offence forfeit the Sum of One hundred Pounds.

Officers *taking any Fee or Reward not allowed shall be dismissed.*

Penalty for offering Fee.

IX. And be it enacted, That all Commissions, Deputations, and Appointments granted to any Officers of the Customs in force at the Time of the Commencement of this Act shall continue in force as if the same had been afterwards granted under and by virtue of the Authority of this Act; and that all Bonds which shall have been given by any such Officers and their respective Sureties, for good Conduct or otherwise, shall remain in full Force and Effect.

Previous Appointments and Securities to remain in force.

X. And be it enacted, That every Person who shall be appointed to any Office or Employment in the Service of the Customs under the Control and Direction of the Commissioners of Her Majesty's Customs in any Part of Her Majesty's Dominions shall, at their respective Admissions thereto, make the following Declaration; (that is to say,)

Declaration on Admission to Office.

'I *A.B.* do declare, That I will be true and faithful in the Execution, to the best of my Knowledge and Power, of the Trust committed to my Charge and Inspection in the Service of Her Majesty's Customs;

'Customs; and that I will not require, take, or receive any Fee 'Perquisite, Gratuity, or Reward, whether pecuniary or of any Sort 'or Description whatever, either directly or indirectly, for any 'Service, Act, Duty, Matter, or Thing done or performed or to be 'done or performed in the Execution or Discharge of any of the 'Duties of my Office or Employment, on any Account whatever, 'other than my Salary, and what is or shall be allowed me by Law, 'or by any special Order of the Commissioners of Her Majesty's 'Treasury or the Commissioners of Her Majesty's Customs for the 'Time being.'

Hours of Attendance and Division of Service in those Hours.

XI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury by their Warrant from Time to Time to appoint the Hours of general Attendance of the Commissioners and respective Officers of the Customs, and other Persons in the Service of the Customs, at their proper Offices and Places of Employment; and that it shall be lawful for the Commissioners of Her Majesty's Customs to appoint the Times during such Hours at which any particular Parts of the Duties of such Officers and other Persons respectively shall be performed by them.

Officers of Customs not liable to serve parochial and other local Offices.

XII. And be it enacted, That no Commissioner of Her Majesty's Customs, nor any Officer of Customs, or Person employed in the Collection or Management of or accounting for the Revenue of Customs, or any Part thereof, nor any Clerk or other Person acting under them, shall, during the Time of his acting as such Commissioner or as such Officer, or of his being so employed as aforesaid, or of his acting as such Clerk or other Person as aforesaid, as the Case may be, be compelled to serve as a Mayor or Sheriff, or in any corporate or parochial or other public Office or Employment, or to serve on any Jury or Inquest, or in the Militia, any Law, Usage, or Custom to the contrary thereof notwithstanding.

Holidays.

XIII. And be it enacted, That no Day shall be kept as a public Holiday by the Customs except *Christmas Day* and *Good Friday* in every Year, and any Days appointed by Her Majesty's Proclamation for the Purpose of a General Fast or of a General Thanksgiving, and also, so far as regards *Scotland*, any Days appointed for such Purposes by Authority of the General Assembly, and also such Days as shall have been appointed for the Celebration of the Birthdays of Her Majesty and of Her Successors, and that such Days shall be kept as public Holidays by the Officers and Servants of the Dock Companies in the United Kingdom.

Collector in London to pay Duties daily to Receiver General.

XIV. And be it enacted, That the Collector of the Customs in the Port of *London* shall pay into the Hands of the Receiver General of the Customs the whole of the Monies which he shall receive on account of the Duties of Customs on the Day on which he shall receive the same, or as near the whole as may be, save and except such Sum or Sums of Money as shall from Time to Time, by virtue of the special Order of the Commissioners of Her Majesty's Customs, be directed to be deducted, paid, or allowed therefrom.

XV. And

In London Debentures and Orders to be paid by Receiver General.

XV. And be it enacted, That every Sum of Money which shall be due in the Port of *London* upon any Debenture, Certificate, or other Instrument or Document whatever for the Payment of any Money out of the Duties of Customs shall be paid by the Receiver General of the Customs out of any Money in his Hands arising from the Duties of Customs, and every such Payment shall be allowed by the Commissioners for the better examining and auditing the Public Accounts of this Kingdom in the settling or auditing of the Accounts of the Receiver General of the Customs; and when any such Payment shall become due at any other Port in the United Kingdom, the same may be paid by the Collector at such Port, the Comptroller being duly apprized thereof, out of any of the Money in his Hands arising from the Duties of Customs, and under such Directions and Instructions for the due Execution of their Offices as shall from Time to Time be given to them by the Commissioners of Her Majesty's Customs.

Payments at Out-ports by Collector.

Commissioners of Customs may close Accounts of Collectors.

XVI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs finally to settle and close the Accounts of any Collectors or Receivers of any Part of the Revenue of the Customs or other Duties under their Management, notwithstanding any erroneous Appropriation of any Duties of Customs received by such Collectors or Receivers; and the said Commissioners are hereby empowered to correct such Appropriation, in order to prevent the Accounts of any such Collectors or Receivers from being kept open; and all such Corrections shall be allowed by the Commissioners for auditing the Public Accounts in the passing the general Accounts of Customs, Subsidies, or Impositions.

Salaries not subject to Duties.

XVII. And be it enacted, That all Salaries, Allowances, or Compensations granted or allowed to any Officer, Clerk, or other Person in the Service of the Customs shall be paid without any Abatement or Deduction on account of any Duties imposed by any Act of Parliament, unless expressly charged thereon, save and except all Duties imposed by any Act for granting Duties on Profits arising from Property, Professions, Trades, and Offices.

All Monies received by Receiver General of Customs in England shall be paid into the Bank of England.

XVIII. And whereas it is expedient that Regulations should be established by Law in the Office of the Receiver General of the Customs in *England* for depositing in the Bank of *England* all the Monies, Bills, Drafts, and Notes received by such Receiver General on account of the Revenue under the Management of the Commissioners of Her Majesty's Customs, except as herein-after mentioned, until the same shall be paid into the Exchequer; be it therefore enacted, That all Monies, Bills, Notes, and Drafts received by or coming to the Hands of the Receiver General of the Customs in *England* on account of the Revenue of Customs in *Great Britain*, shall be paid by him into the Hands of the Governor and Company of the Bank of *England*; (that is to say,) such Monies and Notes, and such of the Bills and Drafts as shall be already accepted, or shall not require Acceptance, having been first duly endorsed, shall be paid as aforesaid on the Day on which the same shall have been received,

and such of the Bills and Drafts as shall require Acceptance, and not be already accepted when received, (the same having been first duly endorsed where necessary,) within Three Days after the same shall have been accepted, for which Monies, Bills, Notes, and Drafts the Entry in the Book herein-after mentioned shall be a sufficient Discharge; and all such Monies, Bills, Notes, and Drafts so to be paid to the Governor and Company of the Bank of *England* shall be placed to an Account to be raised in the Books of the said Governor and Company, and to be intituled "The Account of the Public Monies of the Receiver General of Customs," inserting the Name of such Receiver General for the Time being.

Money for ordinary Payments may be retained.

XIX. Provided nevertheless, and be it enacted, That it shall be lawful for such Receiver General to retain and keep in his own Hands, for the Payment of casual and ordinary and daily Demands out of the Monies so received by him as such Receiver General, a Sum not exceeding One thousand Pounds at the close of each Day, and also any further Sum which he shall be directed to retain by the said Commissioners, not exceeding Four thousand Pounds, and also any further Sum, with the Permission in Writing of any Three or more of the said Commissioners of Her Majesty's Treasury.

Bank to keep an Account, to be returned to the Customs for Inspection.

XX. And be it enacted, That the Governor and Company of the Bank of *England*, or some Person duly authorized in that Behalf, shall daily, upon receiving any Money, Bills, Notes, or Drafts from such Receiver General of the Customs, make an Entry of the Money, Bills, Notes, and Drafts so received, in a Book to be provided by the Governor and Company of the Bank of *England*, which Book shall be forthwith re-delivered to the Persons making the Payments for the Customs, and inspected daily after its Return by the Comptroller General of the Customs or his Clerk, (such Clerk being first duly authorized by him, and for whose Conduct he shall be answerable,) who shall compare the same with the Account of Monies, Bills, Notes, and Drafts received by the said Receiver General, for the Purpose of ascertaining that the Receiver General constantly pays into the Bank all the Money, Bills, Notes, and Drafts which he ought to do under the Provisions of this Act; and any Default which such Comptroller General or his Clerk may discover in that Behalf shall be immediately reported by him to the said Commissioners of Her Majesty's Customs, who shall report the same, unless it shall appear to them to have happened by Mistake or Inadvertence, to the said Commissioners of Her Majesty's Treasury.

Money carried to the Exchequer to be written off at the Bank.

XXI. And be it enacted, That the Monies placed to the Account of the Receiver General as aforesaid in the Bank of *England* shall be paid into the Exchequer from Time to Time as by Law is directed, in manner following; that is to say, the Receiver General, or his Clerk duly authorized by him for that Purpose, and for whose Conduct therein he shall be answerable, shall make an Order weekly upon the Governor and Company of the Bank of *England*, which Order shall be countersigned by the Comptroller General or his Clerk, to write off from his Account the Sum specified; and the said

Governor

Governor and Company, or some Person duly authorized on their Behalf, shall thereupon write off such Sum, and deliver a Note, drawn and cancelled in such Manner as shall be approved by the said Commissioners of Her Majesty's Treasury, for the Amount, to the Receiver General or his Clerk, who shall pay the same into the Exchequer, and the Bank Clerks attending there shall receive it as so much Cash; and it shall not be lawful for the Governor and Company of the Bank of *England* to pay or transfer any Part of the Money so paid in and placed to the Account of such Receiver General from such Account, otherwise than into the Exchequer in manner aforesaid, and except in the Manner herein-after directed, or to deliver any Note or Notes, Bill or Bills of Exchange, save and except to the Solicitor of the Customs or his Clerk, upon his Application for the same, together with the Receiver General or his Clerk, and the Comptroller General or his Clerk, for the sole Purpose of taking out an Extent for the Security of the Money for which such Bill of Exchange or Draft shall have been given, or to the said Receiver General or his Clerk, any Bills, Notes, or Drafts which may be protested for Nonpayment, except as herein-after is mentioned, in which Case the Commissioners of Her Majesty's Customs shall be immediately acquainted therewith, if sitting, by such Solicitor, Receiver General, or Comptroller General, or, if not sitting, at the Time of their assembling; and such Delivery shall be entered by the Bank in the Book to be kept as herein directed.

Receiver General may draw on the Bank to pay Drawbacks, &c.

XXII. And be it enacted, That in order that the several Payments directed by Order of the Commissioners of Her Majesty's Customs to be made by the said Receiver General to Merchants or any other Persons on account of Drawbacks or Bounties, or on any other Account whatever, may be made without Delay, and for the Payment of which the Money then in the Hands of the said Receiver General shall be insufficient, it shall be lawful for the said Receiver General, or his Clerk deputed and authorized by him for that Purpose, and for whose Conduct therein he shall be answerable, to draw out of the Bank of *England*, as Occasion may require, such Sum or Sums of Money as may be sufficient to answer the Purpose aforesaid; and that every Draft or Order on the Bank for Money for any of the said Purposes shall be countersigned by the Comptroller General, or his Clerk to be deputed and authorized by him for that Purpose, and for whose Conduct therein he shall be answerable; and that the said Receiver General shall from Time to Time account for the Monies so to be drawn by him or his Clerk out of the Bank.

Drafts to be countersigned by Comptroller General.

Officers of the Exchequer to be furnished with Appropriation Papers.

XXIII. And in order that separate Accounts may be kept at the Exchequer of the Monies paid in on various Branches of the Customs pursuant to Law, be it enacted, That the said Receiver General of the Customs shall, on every *Monday* Morning, furnish the proper Officers of the Exchequer with an Appropriation Paper, stating the Heads under which the Receipts of the preceding Week are to be applied.

On the Death or Removal of

XXIV. And be it enacted, That upon the Death, Resignation, or Removal of the present and of every other Receiver General of the Customs

Receiver General, the Balance to vest in his Successor.

Customs hereafter to be appointed, the Balance of Cash for which he shall at that Time have Credit on his Account as such Receiver General with the Governor and Company of the Bank of *England* shall, as soon as a Successor shall be appointed to the said Office, actually vest in such Successor, and until such Successor shall be appointed in such Person or Persons as shall for the Time being be duly authorized to execute the Duties of the said Office, in trust for the Service of the Public, and be forthwith transferred, carried over, and placed to the Account of such Successor or other Person or Persons as aforesaid, to be applied to the said Service in pursuance of the like Drafts and Orders as aforesaid.

Receiver General to keep Account.

XXV. And be it enacted, That the Receiver General of the Customs for the Time being shall keep the Account with the Bank of all Monies issued by and paid to the Bank on his Account for the Service of the Public; and the said Receiver General, observing the Rules and Regulations hereby prescribed, shall not be answerable for any Money, Bills, Notes, and Drafts which he shall have so paid or caused to be paid into the Bank of *England*; and the Governor and Company of the Bank of *England* shall be answerable for all the Monies, Bills, Notes, and Drafts which shall be actually received by them from and on account of such Receiver General as aforesaid, except such Bills as may have been returned in manner aforesaid.

Punishment for Forgery on Receiver General, Transportation for Life.

XXVI. And be it enacted, That if any Person or Persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting, the Name or Handwriting of any Receiver General of the Customs, or of any Comptroller General of the Customs, or of any Person acting for them respectively as aforesaid, to any Draft, Instrument, or Writing whatsoever, for or in order to the receiving or obtaining any of the Money in the Hands or Custody of the Governor and Company of the Bank of *England* on account of the Receiver General of the Customs, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any Draft, Instrument, or Writing in Form of a Draft, made by such Receiver General or Person as aforesaid, or shall utter or publish any such, knowing the same to be forged or counterfeited, with an Intention to defraud any Person whomsoever, every such Person or Persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared and adjudged to be guilty of Felony, and shall be transported beyond the Seas for Life.

Commissioners of Customs, Collectors, &c. authorized to administer Oaths.

XXVII. And be it enacted, That in all Cases wherein Proof on Oath shall be required by any Law, or for the Satisfaction or Consideration of the Commissioners of Her Majesty's Customs, in any Matter relating to any Business under their Management, the same may be made before the Collector or Comptroller of the Customs at the Port where such Proof shall be required to be made, or before the

Persons acting for them respectively, and who are hereby authorized and empowered to administer the same.

Commissioners of Her Majesty's Customs, Surveyors General, &c. may examine Witnesses on Oath.

XXVIII. And be it enacted, That upon Examinations and Inquiries made by any Commissioners of Her Majesty's Customs, or any one or more of them for the Time being, or by any Surveyor General of the Customs, or any Inspector General of the Customs, for ascertaining the Truth of Facts relative to the Customs, or the Conduct of Officers or Persons employed therein, and upon the like Examinations and Inquiries made by the Collector and Comptroller of any Outport in the United Kingdom, or of any Port in the *Isle of Man*, or made by any Person or Persons in any of the *British* Possessions abroad, appointed by the Commissioners of Her Majesty's Customs to make such Examinations and Inquiries, any Person examined before him or them as a Witness shall deliver his Testimony on Oath, to be administered by such of the said Commissioners, Surveyors General, or such of the Inspectors General, or such Collector or Comptroller, or such Person or Persons as shall examine any such Witness, and who are hereby authorized to administer such Oath; and if any Person shall be convicted of making a false Oath touching any of the Facts so testified on Oath, or of giving false Evidence on his Examination on Oath before any one or more of the said Commissioners, or any of the Surveyors General or Inspectors General of the Customs, or such Collector and Comptroller, or such Person or Persons, in conformity to the Directions of this Act, every such Person so convicted as aforesaid shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties to which Persons are liable for wilful and corrupt Perjury.

False Oath deemed Perjury.

Lands and Buildings already taken for the Service of Her Majesty's Customs to be vested in the Secretary of the Customs for the Time being;

XXIX. And be it enacted, That all Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments which have heretofore been purchased, acquired, or taken for the Use and Service of Her Majesty's Customs, together with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, (other than and except such Messuages, Lands, Tenements, and Hereditaments as may be of Copyhold Tenure,) shall be and become and remain and continue vested in the Secretary for the Time being to the Commissioners of Her Majesty's Customs, and his respective Successors as Secretaries in such Service, according to the respective Nature and Quality of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in trust for Her Majesty, Her Heirs and Successors, for the Use and Service of Her Majesty's Customs in the said United Kingdom.

and also all Lands, &c. to be hereafter purchased for the Use of the Customs.

XXX. And be it enacted, That all other Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments (other than and except as aforesaid) which shall at any Time or Times hereafter be purchased for the Use and Service of Her Majesty's Customs, with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, shall in like Manner be and become and remain and continue vested in the Secretary for the Time being to the said Commissioners, and his Successors as Secretaries in such Service,

according to the respective Nature and Quality of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in trust as aforesaid.

Secretary, under Authority of Commissioners, may sell or let Lands vested in them.

XXXI. And be it enacted, That it shall and may be lawful for the said Secretary for the Time being, by and under the Authority and Direction of the said Commissioners (testified by Writing under their Hands and Seals), to sell, exchange, or in any Manner dispose of, or to let, set, or demise, as well any of the Freehold and Leasehold Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments respectively which shall for the Time being be vested in them respectively under and by virtue of this present Act, with their respective Appurtenances, as also any of the Copyhold Messuages, Buildings, Lands, Tenements, and Hereditaments which shall have been surrendered to and vested in any Person or Persons, and his, her, or their Heirs and Assigns, in trust for Her said Majesty, or any of Her Predecessors, his, her, or their Heirs or Successors, for the Use and Service of Her Majesty's Customs in the said United Kingdom, or any of them, either by public Auction or private Contract; and as to the said Freehold and Leasehold Manors, Messuages, Lands, Tenements, and Hereditaments, that it shall and may be lawful to and for the said Secretary for the Time being, and as to the said Copyhold Messuages, Lands, Tenements, and Hereditaments, that it shall and may be lawful to and for the said Person or Persons in whom the same shall be vested as aforesaid, in due Form of Law, to convey, surrender, assign, make over, or to grant or demise the same respectively, or any of them, as the Case may require, to any Person or Persons who shall be willing to purchase or take the same respectively, and also to carry into execution any Contract or Contracts already entered into for the Sale of any such Freehold, Copyhold, or Leasehold Messuages, Lands, Tenements, or Hereditaments as aforesaid, with such Alterations or Variations as the said Commissioners for the Time being, or any Two or more of them, shall by Writing under their Hands direct, and for that Purpose to make and execute all such Conveyances, Assurances, and Agreements as may be thought proper, and also to do any other Act, Matter, or Thing in relation to any such Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments which shall by the said Commissioners be deemed beneficial for the Public Service in relation thereto, or for the better Management thereof, and which might be done by any Person or Persons having a like Interest in any such Manors, Messuages, Lands, Tenements, or Hereditaments.

Monies produced by Sale of such Lands to be paid to the Receiver General.

XXXII. And be it enacted, That the Monies to arise and be produced by Sales or Exchange of any of the said Manors, Messuages Lands, Tenements, or Hereditaments which shall be sold or exchanged or conveyed under the Provisions of this present Act, including the Monies already paid by way of Deposit for the Purchase of any Hereditaments already contracted to be sold, and the Residue of the Monies to be received in respect or on account of such Contract, shall be paid by the respective Purchaser or Purchasers thereof, or the Person

or

or Persons making such Exchange, under the Receiver General of Her Majesty's Customs for the Time being, or to such Person or Persons as the said Commissioners for the Time being, or any Four or more of them, shall direct or appoint to receive the same, in trust for Her Majesty, Her Heirs and Successors, for the Use and Service of the said Customs; and that the Receipt of the said Receiver General, or such other Person or Persons as aforesaid, for such Monies (such Receipt to be endorsed on every such Conveyance, Surrender, or Assignment as aforesaid), shall effectually discharge the Purchaser or Purchasers or Person or Persons by whom or on whose Account the same shall be so paid.

After Payment, Purchasers to stand possessed of the Lands, &c.

XXXIII. And be it enacted, That immediately from and after the Payment of such Purchase Money, and the Execution of every such Conveyance, Surrender, and Assignment as aforesaid, the Purchaser or Purchasers therein named shall be deemed and adjudged to stand seised and possessed of the Manors, Messuages, Lands, Tenements, and Hereditaments which shall be so purchased by, and conveyed, surrendered, assigned, or made over to him, her, or them respectively, freed and absolutely discharged of and from all and all Manner of prior Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in, to, out of, or upon or in respect of the same Manors, Messuages, Lands, Tenements, and Hereditaments by any Person or Persons whomsoever, by, from, or under, or in trust for Her Majesty, Her Heirs and Successors, on any account whatsoever, save and except such Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, Claims, and Demands, if any, as in any such Conveyance, Surrender, or Assignment shall be excepted.

Treasury may authorize Persons to survey and mark out Lands for Watch-houses, &c.

XXXIV. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, from Time to Time, by any Writing under their Hands, to authorize any Person or Persons to survey and mark out any Lands, not exceeding One Half Acre at any one Station, which are or may be wanted for the Purposes of erecting and maintaining Watch-houses, Dwelling Houses, and other Buildings requisite and necessary for the Security and Protection of the Revenues of Customs and Excise, with all necessary Ways unto and from the same or any or either of them, such Lands being situated within Half a Mile of the Sea Shore or of the Tideway of any navigable River, and to authorize any Person or Persons, by Warrant as aforesaid, to treat and agree with the Owner or Owners of or any Person or Persons interested in any such Lands, or any Messuages, Tenements, Hereditaments, or Premises which may be requisite and necessary as aforesaid, for the Possession thereof for such Time or Term of Years as the Public Service shall require.

Bodies Politic, &c. may contract for the Sale.

XXXV. And be it enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, and all Feoffees or Trustees for charitable or other public Purposes, and for all Tenants for Life and Tenants in Tail, and for the Husbands, Guardians, Trustees, Committees, Curators, or Attornies of such of the Owners

or

or Proprietors of or Persons interested in any such Lands, Messuages, Tenements, Hereditaments, or Premises required for such Public Service as shall be Femes Covert, Infants, Lunatics, Idiots, or Persons beyond the Seas or otherwise incapable of acting for themselves, to contract and agree with such Person or Persons authorized as aforesaid for the Grant of any Lease of such Lands, Messuages, Tenements, Hereditaments, or Premises, either for any Term of Years certain therein, or for such Periods as the Public Service shall require, and to demise or grant the same unto the said Commissioners of Her Majesty's Treasury, in trust for Her Majesty, Her Heirs and Successors, accordingly; and all such Leases and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever.

Persons refusing to sell or to accept the Consideration offered, Two Justices may put Her Majesty's Officers into Possession, and a Jury shall be summoned, who shall find the Compensation to be made.

XXXVI. And be it enacted, That in case any such Bodies or other Persons hereby authorized to contract on behalf of themselves or others as aforesaid, or any other Person or Persons interested in any such Lands so marked out, or in any Messuages, Tenements, Hereditaments, or Premises required as aforesaid, shall, for the Space of Fourteen Days next after Notice in Writing, subscribed by such Person or Persons authorized as aforesaid, shall have been given to the principal Officer or Officers of any such Body, or to such other Persons hereby authorized to contract on behalf of others, or interested themselves as aforesaid, or left at his, her, or their usual Place of Abode, refuse or decline to treat or agree, or by reason of Absence shall be prevented from treating or agreeing, with such Person or Persons authorized as aforesaid, or shall refuse to accept such annual Rent or Sum as shall be offered for the Hire thereof, either for a Time certain or for such Period as the Public Service may require; and in case also it shall not be practicable to procure by voluntary Bargain or Sale any other Land situate as aforesaid, or any Messuages, Tenements, Hereditaments, or Premises required as aforesaid, and suited to the Purpose for which such Lands, Messuages, Tenements, Hereditaments, or Premises are required, then and in such Case it shall be lawful for Two or more Justices, or Three or more Deputy Lieutenants (One of whom shall be a Justice of the Peace), or Two or more Deputy Governors, for the County, Riding, Stewartry, City, or Place wherein such Lands, Tenements, Hereditaments, Messuages, or Premises shall be, to put Her Majesty's Officers in possession of such Lands, Messuages, Tenements, Hereditaments, or Premises, and for that Purpose to issue a Warrant under their Hands and Seals requiring Possession to be delivered to such of Her Majesty's Officers as shall be named in the said Warrant; and it shall also be lawful for such Person or Persons so authorized as aforesaid to require the said Justices, Deputy Lieutenants, or Deputy Governors of such County, Riding, Stewartry, City, Liberty, or Place to issue their Warrant to the Sheriff or Sheriffs of the County, Riding, Stewartry, City, or Place wherein such Lands, Messuages, Tenements, Hereditaments, or Premises shall be situate, to summon a Jury; and every such Sheriff or Sheriffs is and are hereby authorized and required to summon and return a Jury, properly qualified, of the Number of Twenty-four, and in the Manner required by the Laws of *England*, *Ireland*, and *Scotland* respectively, who shall meet at some

convenient Time and Place to be mentioned in such Summons, out of whom a Jury of Twelve shall be drawn in such Manner as Juries for the Trial of Issues joined in Her Majesty's Courts at *Westminster* and *Dublin* are drawn by Law in *England* or *Ireland* respectively, and in such Manner as Juries are drawn by Law for the Trial of Offences in *Scotland*, and in case a sufficient Number shall not appear the Sheriff or Sheriffs shall choose others of the By-standers, or that can speedily be procured, being qualified as aforesaid; and the said Jurymen may be challenged by the Parties on either Side, but not the Array; and the said Justices, Deputy Lieutenants, or Deputy Governors respectively, on the Application of the said Persons so authorized or of any Parties concerned, may and shall summon Witnesses, and adjourn any such Meeting, if Jurymen or Witnesses do not attend; and the Jury, on hearing any Witnesses and Evidence that may be produced, shall on their Oaths (which Oaths, as also the Oaths of such Witnesses, the said Justices, Deputy Lieutenants, or Deputy Governors respectively are hereby empowered and required to administer,) find the Compensation to be paid for the Possession or Use of such Lands, as the Case may be.

Lands that are suitable may be taken in lieu of such as have been marked out.

XXXVII. Provided always, and be it enacted, That if the Owner or Owners of any Lands, Messuages, Tenements, Hereditaments, or Premises so required, or any Person or Persons interested therein, shall at any Time before the summoning of such Jury as aforesaid give Notice in Writing of any other Lands situate as aforesaid, and of any other Messuages, Tenements, Hereditaments, or Premises so required as aforesaid, and suited to the Purpose for which such Lands are required, and which the Owner or Owners thereof or Persons interested therein are willing to treat and agree for, then and in such Case the Jury so to be summoned shall previously find the Facts, whether the Lands so indicated in such Notice are situate within the Distance aforesaid, and are suited to the Purpose for which such Lands, Tenements, Hereditaments, Messuages, or Premises may be required, and whether the Owner or Owners thereof or Persons interested therein are willing to treat and agree for the same; and if they shall so find, the Owner or Owners of or Persons interested in the Lands so surveyed or marked out as aforesaid, or of the Messuages, Tenements, Hereditaments, or Premises so required, shall not be compellable by virtue of this Act to sell or dispose of the same: Provided also, that where the Owner or Owners of or Persons interested in any Lands, Messuages, Tenements, Hereditaments, or Premises required by virtue of this Act to be given up for the Purposes aforesaid shall prefer to sell the same outright, and shall be able to make a good Title to the Fee Simple thereof, it shall be lawful for them to insist on so doing; and in such Case the Jury so summoned as aforesaid shall find the Value of the Fee Simple of such Lands, Tenements, Messuages, Hereditaments, or Premises, and the same shall be paid to the Owner or Owners thereof or Persons interested therein in the Manner directed by this Act.

If any Person be dissatisfied with Verdict, Appeal may

XXXVIII. Provided also, and be it enacted, That if the said Commissioners of Her Majesty's Treasury, or any Person interested therein, shall be dissatisfied with the Verdict of any such Jury, it shall be lawful

be made to the Court of Exchequer in England or Ireland, or to the Court of Session, &c. in Scotland.

lawful for them or their Attornies in *England* and *Ireland* to apply to the Court of Exchequer at *Westminster* or *Dublin* respectively in the next Term, and in *Scotland* to apply within Fourteen Days after the finding any such Verdict to the Court of Session in *Scotland* in Time of Session, or Lord Ordinary on the Bills in Time of Vacation, to suggest to the said Courts or Lord Ordinary respectively that they have reason to be dissatisfied with such Verdict, and forthwith to give Notice thereof to the said Commissioners or Party (as the Case may be); and thereupon in *England* and *Ireland* the Proceedings that shall have been had, and the Verdict of such Jury, shall be returned into the said Courts of Exchequer respectively; and if it shall appear to the said Courts to be proper, a Suggestion shall be entered on such Proceedings as aforesaid, and a Writ shall thereupon, by Rule of such Court, or Order of any Judge of such Court, be directed to the Sheriff of such County where the Lands shall lie, or the Messuages, Tenements, Hereditaments, or Premises shall be, or, if the same shall lie or be in Two Counties, to the Sheriff of either of such Counties, to summon either a Common or Special Jury, according to the Application that shall have been made on that Behalf, and as the Court or such Judge shall allow, and who shall respectively be qualified according to Law, to appear before the said Justice of Assize or Nisi Prius of that County at the next Assizes or Sittings of Nisi Prius if the same shall not happen sooner than Twenty-one Days after such Suggestion, otherwise at the next succeeding Assizes or Sittings; and the Compensation to be paid for the Possession or Use of such Lands, Messuages, Tenements, Hereditaments, or Premises shall at such Assizes or Sittings be ascertained by such Jury in like Manner as any Damages may be inquired of upon any Inquisition or Inquiry of Damages by any Jury before any Judge of Assize or Nisi Prius; and the Verdict of such Jury shall be returned to the said Courts of Exchequer, and shall be final and conclusive; and in *Scotland*, if it shall appear proper to the said Court of Session or Lord Ordinary, upon such Application so to do, the said Court or Lord Ordinary shall order and direct the Sheriff of the County where such Lands, Messuages, Tenements, Hereditaments, or Premises shall lie and be, or, if the same shall lie or be in Two Counties, the Sheriff of either of such Counties, to summon another Jury in the Manner in which Juries are summoned in *Scotland*, properly qualified according to Law, to appear before the Lords or Lord of Justiciary at the next Circuit if the same shall not happen sooner than Twenty-one Days after such Application, otherwise the next succeeding Circuit; and the Compensation as aforesaid for the Land, Messuages, Tenements, Hereditaments, and Premises shall at such Circuit be ascertained by a Jury drawn from a Jury summoned as aforesaid in such Manner as Juries are drawn in *Scotland* under the Direction of the said Lords or Lord of Justiciary as aforesaid; and the Verdict of such last-mentioned Juries shall be final and conclusive, without being subject to Review or Challenge of any Kind, unless the Court that shall have allowed such Inquiry shall think fit, on any Application made within Four Days after the Commencement of the succeeding Term, or Session if in *Scotland*, to order any new Trial in relation thereto.

XXXIX. Pro-

XXXIX. Provided always, and be it enacted, That it shall be lawful for any Jury impannelled before any Justice of the Peace, Magistrate, Deputy Lieutenant, or Deputy Governor, or before any Judge of Assize or Nisi Prius, to ascertain the Compensation to be paid for any Lands under this Act, and they are hereby required to ascertain and settle the Proportion to be paid out of such Compensation to any Person or Persons having any Interest as Lessees or Tenants at Will, or otherwise, in any such Lands, and the Proportion to be paid out of such Compensation shall be returned on the Verdict: Provided also, that where any such Inquiry before any Judge of Assize or Nisi Prius, or Lords or Lord of Justiciary, shall be had on the Application of any such Lessee or Tenant at Will, or other Person having any inferior Interest in any such Lands, Messuages, Tenements, Hereditaments, or Premises, who may have been dissatisfied with the Proportion of Compensation settled by the Jury to be paid in respect of such Interest, it shall not be lawful for the Jury in any such Case to alter the Amount of the entire Compensation awarded by any former Verdict to be paid for such Lands, Messuages, Tenements, Hereditaments, or Premises, but only the Proportion thereof to be paid to the Person or Persons having separate Interests therein; and it shall not be lawful for any Jury, on any Inquiry had before any Judge of Assize or Nisi Prius, or Lords or Lord of Justiciary, as to any Compensation, on the Application of the said Commissioners of Her Majesty's Treasury, in any Case in which the whole Compensation awarded by the former Jury is confirmed by the Jury on such Inquiry, to alter the Proportion that shall have been settled by any such former Jury as to any separate Interest in any such Lands, Tenements, Messuages, Hereditaments, or Premises.

Jury, in ascertaining Compensation for Premises, to settle Proportion to be paid to Lessees.

XL. Provided also, and be it enacted, That it shall be lawful for the Court or Judge or Lord Ordinary making any such Rule or Order to require that the Party on whose Application the same shall be made shall give such Security as shall to such Court, Judge, or Lord Ordinary seem proper, for Payment of Costs under such Circumstances as shall be specified in any Rule or Order made for that Purpose.

Security to be given for Costs.

XLI. And be it enacted, That in all Cases where any Lands shall be taken under the Provisions of this Act for any Term of Years, or for such Period only as the Public Service shall require, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any other Person or Persons so authorized as aforesaid, at any Time before the Possession of any Lands which shall have been taken for the Purposes aforesaid shall be delivered up to the Owner or Owners thereof, or other Person or Persons acting on his or their Behalf, to take down and remove all such Buildings or other Erections which shall or may have been built or erected thereon for the Public Service, and to carry away the Materials thereof, making such Compensation to the Owner or Owners of such Lands, or other Person or Persons acting on his, her, or their Behalf, for the Damage or Injury which may have been done thereto, or to the Soil thereof, by the Erection of any such Buildings, or removing and carrying away the same, or otherwise, in consequence of the same having been occupied for the Public Service,

Upon delivering up Lands to the Owners, all Erections for the public Service to be removed, making Compensation to Owners.

Service, as the said Commissioners of Her Majesty's Treasury, or such other Person or Persons authorized as aforesaid, shall think reasonable, and as shall be agreed upon in that Behalf; and if such Owner or Owners, or other Person or Persons acting on his, her, or their Behalf, shall not be willing to accept the Compensation so offered, it shall be lawful for the said Commissioners of Her Majesty's Treasury, or other Person or Persons so authorized as aforesaid, to apply to and require Two Justices of the Peace of the County, Riding, Stewartry, City, or Place to settle and ascertain the Compensation which ought to be made for such Damage or Injury as aforesaid; and such Justice shall settle and ascertain the same accordingly, and shall grant a Certificate thereof; and the Amount of such Compensation, so settled and ascertained and certified, shall forthwith be paid by Warrant of the Commissioners of Her Majesty's Treasury, or any Three or more of them, to the Person or Persons entitled thereto: Provided always, that nothing in this Act shall extend or be construed to extend to alter, prejudice, or affect any Agreement which hath been or shall or may be entered into by any such Person or Persons authorized as aforesaid with any Owner or Owners of any such Lands, or other Person or Persons acting on his, her, or their Behalf, in relation to any such Buildings or Erections, but every such Agreement shall remain valid and effectual in like Manner as if this Act had not passed.

Purchase Money belonging to incapacitated Persons, &c. to be paid to the proper Officer of the Exchequer for their Use.

XLII. And be it enacted, That in all Cases where any Money shall have been or shall be agreed, or shall have been or shall be found by the Verdict of any Jury, to be paid or given for the Use or Possession of any Lands, Messuages, Tenements, Hereditaments, or Premises taken by virtue of this Act, belonging to any Person or Persons under any Disability or Incapacity, or not having the absolute Interest therein, the same shall be paid by Warrant of the Commissioners of Her Majesty's Treasury, or any Three of them, into the Hands of the proper Officer of Her Majesty's Court of Exchequer at *Westminster*, *Edinburgh*, or *Dublin* respectively for the Time being for receiving the Monies belonging to the Suitors of the said Court respectively, for the Use and Benefit of such Person or Persons; and such Officer is hereby authorized and required to receive or accept and to give a Discharge for such Money, and upon the Acceptation or Receipt thereof to sign a Certificate to the Barons or Judges of the said Courts of Exchequer respectively, under his Hand, purporting and signifying that such Money or other Consideration was received or accepted by and paid to him in pursuance of this Act, for the Use and Benefit of such Person or Persons who shall be named and described in such Certificate; and the said Certificate shall be filed or deposited in the said Court of Exchequer at *Westminster*, *Edinburgh*, or *Dublin* respectively, and a true Copy thereof, signed by such Officer of such Court, shall and may be read and allowed as Evidence for the Purposes herein-after mentioned; and such Officer of such Court is hereby required, upon Receipt of any such Sum or Sums of Money as aforesaid, to pay the same into the Bank of *England*, or Bank of *Scotland* or Royal Bank of *Scotland*, or Bank of *Ireland*, as the Case may require; and immediately upon the filing or depositing of such Certificate the said Lands, Messuages, Tenements, Hereditaments,

ments, or Premises shall be vested in or to the Use of Her Majesty, Her Heirs and Successors.

Barons of the Exchequer, &c., on Petition of Parties interested, to order the Application of Money.

XLIII. And be it enacted, That the Barons or Judges of Her Majesty's Court of Exchequer at *Westminster*, and the Barons or Judges of Her Majesty's Court of Exchequer at *Edinburgh* or *Dublin*, for the Time being respectively, or any Two or more of them, shall be and they are hereby authorized and empowered in a summary Way, upon Motion or by Petition for and on behalf of any Person or Persons interested in or entitled to the Benefit of the Money so paid to and received by the proper Officer of the said Courts respectively, or the Interest or Produce thereof, and upon reading the Certificate directed to be signed by the said Officer concerning the same as aforesaid, and receiving such further Satisfaction as they shall think necessary, to make and pronounce such Orders and Directions for paying the said Money, or any Part of the same, or for placing out such Part thereof as shall be Principal in the Public Funds, or upon Government or Real Securities, and for Payment of the Dividends or Interest thereof, or any Part thereof, to the respective Persons entitled to receive the same, or for laying out the Principal, or any Part thereof, in the Purchase of other Lands, to be conveyed and settled to, for, and upon the same Uses, Trusts, Intents, and Purposes as the said Lands so taken stood settled at the Time of the Payment of such Money as aforesaid, as near as the same can be done, or otherwise concerning the disposing of the said Money, or any Part thereof, and the Interest of the same, or any Part thereof, for the Benefit of the Person or Persons respectively, or for appointing any Person or Persons to be Trustee or Trustees for all or any of such Purposes, as the said Courts respectively shall think just and reasonable.

On the Death, Removal, or Resignation of Officer of Exchequer, Stocks and Securities shall vest in Successor.

XLIV. And be it enacted, That upon the Death, Removal, or Resignation of any such Officer of the said Courts of Exchequer all Stocks and Securities vested in him by virtue of this Act shall vest in the succeeding Officer of the Exchequer, for the Purposes hereinbefore mentioned, without any Assignment or Transfer; and all Monies paid in the said Banks respectively in pursuance of this Act, or remaining in the Hands of any such Officer at his Death, Resignation, or Removal, and not vested in the Funds or placed out on Securities as aforesaid, shall be paid over to the succeeding Officer for the like Purpose for the Time being.

Gardens not to be affected.

XLV. Provided always, and be it enacted, That nothing in this Act contained shall be construed to extend to any Garden or Pleasure Ground, or to any Land immediately contiguous to and used as the Curtilage or Homestead of any Dwelling House.

Documents signed by Three Commissioners of the Treasury to be deemed the Act of

XLVI. And be it enacted, That every Order, Document, Instrument, or Writing relating to the Customs or to the Law of Navigation, required by any Law at any Time in force to be under the Hands of the Commissioners of Her Majesty's Treasury, being signed by Three or more of such Commissioners, shall be deemed to be an Order, Document,

the whole Commissioners.

Document, Instrument, or Writing under the Hands of the Commissioners of Her Majesty's Treasury accordingly.

Act to be registered in Royal Court of Jersey.

XLVII. And be it enacted, That this Act shall be registered in the Royal Court of the Island of *Jersey*, and that the said Royal Court shall have full Power and Authority and is hereby required to register the same.

Alteration of Act.

XLVIII. And be it enacted, That this Act may be altered, varied, or repealed by any Act to be passed in the present Session of Parliament.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXXVI.

An Act for the general Regulation of the Customs. [4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the general Regulation of the Customs*, whereby the Laws of Customs in relation to the general Regulation of the Customs were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the Amendment of the Law in this respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Act and Parts of Acts should be consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation for the Purposes mentioned therein, except where any other Commencement is herein particularly directed. 3 & 4 W. 4. c. 52. Commencement of Act.

INWARDS. *General Provision.*

II. And whereas it is expedient that the Officers of Customs should have full Cognizance of all Ships coming into any Port in the United Kingdom or in the *Isle of Man*, or approaching the Coasts thereof, and No Goods to be landed nor

Bulk broken before Report and Entry.

and of all Goods on board or which may have been on board such Ships, and also of all Goods unladen from any Ship in any Port or Place in the United Kingdom or in the *Isle of Man*; be it therefore enacted, That no Goods shall be unladen from any Ship arriving from Parts beyond the Seas at any Port or Place in the United Kingdom or in the *Isle of Man*, nor shall Bulk be broken after the Arrival of such Ship within Four Leagues of the Coasts thereof respectively, before due Report of such Ship and due Entry of such Goods shall have been made, and Warrant granted in manner herein-after directed; and that no Goods shall be so unladen, except at such Times and Places, and in such Manner and by such Persons, and under the Care of such Officers, as is and are herein-after directed; and that all Goods not duly reported, or which shall be unladen contrary hereto, shall be forfeited; and if Bulk be broken contrary hereto, the Master of such Ship shall forfeit the Sum of One hundred Pounds; and if, after the Arrival of any Ship within Four Leagues of the Coast of the United Kingdom or of the *Isle of Man*, any Alteration be made in the Stowage of the Cargo of such Ship, so as to facilitate the unlading of any Part of such Cargo, or if any Part be staved, destroyed, or thrown overboard, or any Package be opened, such Ship shall be deemed to have broken Bulk: Provided always, that the several Articles herein-after enumerated may be landed in the United Kingdom without Report, Entry, or Warrant; (that is to say,) Diamonds and Bullion, fresh Fish of *British* taking and imported in *British* Ships, and Lobsters, fresh, however taken or imported.

Times and Places of landing and Care of Officers.

Goods not reported or entered to be forfeited.

If Bulk illegally broken, Master to forfeit 100*l.*

Certain Articles may be landed without Entry.

Manifest.

III. And be it enacted, That no Goods shall be imported into the United Kingdom or into the *Isle of Man* from Parts beyond the Seas in any *British* Ship, unless the Master shall have on board a Manifest of such Goods, made out and dated and signed by him at the Place or respective Places where the same, or the different Parts of the same, was or were taken on board, and authenticated in the Manner herein-after provided; and every such Manifest shall set forth the Name and the Tonnage of the Ship, the Name of the Master and of the Place to which the Ship belongs, and of the Place or Places where the Goods were taken on board respectively, and of the Place or Places for which they are destined respectively, and shall contain a particular Account and Description of all the Packages on board, with the Marks and Numbers thereon, and of the Sorts of Goods and different Kinds of each Sort contained therein, to the best of the Master's Knowledge, and the general Denomination of the Contents of every Package containing the following Articles imported from any Foreign Place in *Europe*, namely, Cambrics or Lawns, Leather Gloves, Manufactures of Silk, Tobacco, Cigars, or Snuff, and the Particulars of such Goods as are stowed loose, and the Names of the respective Shippers and Consignees, as far as the same can be known to the Master; and to such particular Account shall be subjoined a general Account or Recapitulation of the total Number of the Packages of each Sort, describing the same by their usual Names, or by such Descriptions as the same can best be known by, and the different Goods therein, and also the total Quantities of the different Goods stowed loose; and that all such Cambrics or Lawns,

All British Ships to have Manifests.

Particulars of Manifest.

Lawns, Leather Gloves, Manufactures of Silk, Tobacco, Cigars, or Snuff not so manifested shall be forfeited.

INWARDS.

Manifest.

IV. And be it enacted, That before any Ship shall be cleared out or depart from any Place in any of the *British* Possessions abroad, with any Goods for the United Kingdom or for the *Isle of Man*, the Master of such Ship shall produce the Manifest to the Collector or Comptroller of the Customs, or other proper Officer, who shall certify upon the same the Date of the Production thereof to him: Provided always, that in all Places within the Territorial Possessions of the *East India* Company the Collector of Sea Customs or other proper Officer shall authenticate the Manifest as aforesaid.

Manifest to be produced to Officers in Colonies.

V. And be it enacted, That if any Goods shall be imported into the United Kingdom or into the *Isle of Man* in any *British* Ship without such Manifest, or if any Goods contained in such Manifest be not on board, the Master of such Ship shall forfeit the Sum of One hundred Pounds.

Manifest if wanting, or if Goods missing, Master to forfeit 100*l.*

VI. And be it enacted, That the Master of every Ship required to have a Manifest on board shall produce such Manifest to any Officer of the Customs who shall come on board his Ship after her Arrival within Four Leagues of the Coast of the United Kingdom or of the Coast of the *Isle of Man*, and who shall demand the same, for his Inspection; and such Master shall also deliver to any such Officer who shall be the first to demand it, a true Copy of such Manifest, signed by the Master, and shall also deliver another Copy to any other Officer of the Customs who shall be the first to demand the same within the Limits of the Port to which such Ship is bound; and thereupon such Officers respectively shall notify on such Manifest and on such Copies the Date of the Production of such Manifest and of the Receipt of such Copies, and shall transmit such Copies to the Collector and Comptroller of the Port to which such Vessel is first bound, and shall return such Manifest to the Master; and if such Master shall not in any Case produce such Manifest or deliver such Copy he shall forfeit the Sum of One hundred Pounds.

Manifest to be produced within Four Leagues;

and Copies delivered to Officers, who shall transmit Copies to Port of Destination.

Master not producing, to forfeit 100*l.*

Report.

VII. And be it enacted, That the Master of every Ship arriving from Parts beyond the Seas at any Port in the United Kingdom or in the *Isle of Man*, whether laden or in ballast, shall within Twenty-four Hours after such Arrival, and before Bulk be broken, make due Report of such Ship, and shall make and subscribe a Declaration to the Truth of the same before the Collector or Comptroller of such Port; and such Report shall contain an Account of the particular Marks, Numbers, and Contents of all the different Packages or Parcels of the Goods on board such Ship, and the Particulars of such Goods as are stowed loose, to the best of his Knowledge, and the general Denomination of the Contents of every Package containing the following Articles imported from any Foreign Place in *Europe*, namely, Cambrics or Lawns, Leather Gloves, Manufactures of Silk, Tobacco, Cigars, or Snuff, and of the Place or Places where such Goods were respectively taken on board, and of the Burden of such Ship, and of the Country where such Ship was built, or if *British*

Master within Twenty-four Hours and before breaking Bulk shall report.

Particulars of Report.

INWARDS. *Report.*

British of the Port of Registry, and of the Country of the People to whom such Ship belongs, and of the Name and Country of the Person who was Master during the Voyage, and of the Number of the People by whom such Ship was navigated, stating how many are Subjects of the Country to which such Ship belongs, and how many are of some other Country; and in such Report it shall be further declared whether and in what Cases such Ship has broken Bulk in the course of her Voyage, and what Part of the Cargo, if any, is intended for Importation at such Port, and what Part, if any, is intended for Importation at another Port in the United Kingdom or at another Port in the *Isle of Man* respectively, and what Part, if any, is prohibited to be imported except to be warehoused for Exportation only, and what Part, if any, is intended for Exportation in such Ship to Parts beyond the Seas, and what surplus Stores or Stock remain on board such Ship, and if a *British* Ship, what Foreign-made Sails or Cordage, not being standing or running Rigging, are in use on board such Ship; and the Master of any Ship who shall fail to make such Report, or who shall make a false Report, shall forfeit the Sum of One hundred Pounds.

Penalty on Failure, 100*l.*

Bond to maintain Africans.

VIII. Provided always, and be it enacted, That the Master of every Vessel coming from the Coast of *Africa*, and having taken on board at any Place in *Africa* any Person or Persons being or appearing to be Natives of *Africa*, shall, in addition to all other Matters, state in the Report of his Vessel how many such Persons have been taken on board by him in *Africa;* and any such Master failing herein shall forfeit the Sum of One hundred Pounds: Provided also, that the Master or Owner or Owners of such Vessel, or some or One of them, at the Time of making such Report, be required to enter into Bond to Her Majesty in the Sum of One hundred Pounds, conditioned to keep harmless any Parish or any extra-parochial or other Place maintaining its own Poor against any Expence which such Parish or other Place may be put to in supporting any such Person during their Stay in the United Kingdom; and any such Master, Owner or Owners, refusing or neglecting to enter into such Bond, shall forfeit the Sum of Two hundred Pounds.

Packages reported "Contents unknown" may be opened and examined.

IX. And be it enacted, That if the Contents of any Package so intended as aforesaid for Exportation in the same Ship to Parts beyond the Seas shall be reported by the Master as being unknown to him, it shall be lawful for the Officers of the Customs to open and examine such Package on board, or to bring the same to the Queen's Warehouse for that Purpose; and if there be found in such Package any Goods which may not be entered for Home Use, such Goods shall be forfeited, or if the Goods be such as may be entered for Home Use, the same shall be chargeable with the Duties of Importation, unless in either Case the Commissioners of Her Majesty's Customs, in consideration of the Sort or Quality of such Goods, or the small Rate of Duty payable thereon, shall see fit to deliver the same for Exportation.

Master to deliver Manifest;

X. And be it enacted, That the Master of every Ship shall at the Time of making such Report deliver to the Collector or Comptroller

the Manifest of the Cargo of such Ship, where a Manifest is required, and, if required by the Collector or Comptroller, shall produce to him any Bill or Bills of Lading, or a true Copy thereof, for any and every Part of the Cargo laden on board, and shall answer all such Questions relating to the Ship and Cargo, and Crew and Voyage, as shall be put to him by such Collector or Comptroller; and in case of Failure or Refusal to produce such Manifest, or to answer such Questions, or to answer them truly, or to produce such Bill of Lading or Copy, or if such Manifest or Bill of Lading or Copy shall be false, or if any Bill of Lading be uttered or produced by any Master, and the Goods expressed therein shall not have been *bonâ fide* shipped on board such Ship, or if any Bill of Lading uttered or produced by any Master shall not have been signed by him, or any such Copy shall not have been received or made by him previously to his leaving the Place where the Goods expressed in such Bill of Lading or Copy were shipped, then and in every such Case such Master shall forfeit the Sum of One hundred Pounds.

and, if required, Bill of Ldin g or Copy; and answer Questions as to Voyage;

on Failure, to forfeit 100*l.*

XI. And be it enacted, That if any Part of the Cargo of any Ship for which a Manifest is required be reported for Importation at some other Port in the United Kingdom or at some other Port in the *Isle of Man* respectively, the Collector and Comptroller of the Port at which some Part of the Cargo has been delivered shall notify such Delivery on the Manifest, and return the same to the Master of such Ship.

Part of Cargo reported for another Port.

XII. And be it enacted, That every Ship shall come as quickly up to the proper Place of mooring or unlading as the Nature of the Port will admit, and without touching at any other Place, and in proceeding to such Place shall bring to at Stations appointed by the Commissioners of Her Majesty's Customs for the boarding of Ships by the Officers of the Customs; and after Arrival at such Place of mooring or unlading such Ship shall not remove from such Place, except directly to some other proper Place, and with the Knowledge of the proper Officer of the Customs, on Penalty of One hundred Pounds, to be paid by the Master of such Ship: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Customs to appoint Places to be the proper Places for the mooring or unlading of Ships importing Tobacco, and where such Ships only shall be moored or unladen; and in case the Place so appointed for the unlading of such Ships shall not be within some Dock surrounded with Walls, if any such Ship, after having been discharged, shall remain at such Place, or if any Ship not importing Tobacco shall be moored at such Place, the Master shall in either Case forfeit and pay the Sum of Twenty Pounds.

Ship to come quickly to Place of unlading, and bring to at Stations for boarding Officers.

Mooring Places for Tobacco Ships.

XIII. And be it enacted, That no Goods imported into the United Kingdom from Parts beyond the Seas shall be unshipped or carried from the importing Vessel to any Quay, Wharf, or other Place, previously to the Examination thereof, except under such Rules, Regulations, and Restrictions as the Commissioners of Her Majesty's Customs may from Time to Time, with the Approbation of the Commissioners of Her Majesty's Treasury, direct and appoint; and all

Goods unshipped from the importing Vessel, or landed contrary to the Regulations of the Commissioners of

Customs, forfeited.

Goods unshipped or carried contrary to such Rules, Regulations, or Restrictions, or any of them, shall be forfeited, together with the Craft or other Means used for the Conveyance of any such Goods; and every Person knowingly concerned in the unshipping or carrying of such Goods, or to whose Hands and Possession such Goods shall knowingly come, contrary to such Rules, Regulations, and Restrictions, shall forfeit and pay a Sum of One hundred Pounds, or Treble the Value of such Goods, at the Election of the said Commissioners of Her Majesty's Customs.

Penalty on Persons concerned.

Officers to board Ships;

XIV. And be it enacted, That it shall be lawful for the proper Officers of the Customs to board any Ship arriving at any Port in the United Kingdom or in the *Isle of Man*, and freely to stay on board until all the Goods laden therein shall have been duly delivered from the same; and such Officers shall have free Access to every Part of the Ship, with Power to fasten down Hatchways, and to mark any Goods before landing, and to lock up, seal, mark, or otherwise secure any Goods on board such Ship; and if any Place or any Box or Chest be locked, and the Keys be withheld, such Officers, if they be of a Degree superior to Tidesmen or Watermen, may open any such Place, Box, or Chest in the best Manner in their Power; and if they be Tidesmen or Watermen, or only of that Degree, they shall send for their superior Officer, who may open or cause to be opened any such Place, Box, or Chest in the best Manner in his Power; and if any Goods be found concealed on board any such Ship they shall be forfeited; and if the Officers shall place any Lock, Mark, or Seal upon any Goods on board, and such Lock, Mark, or Seal be wilfully opened, altered, or broken before due Delivery of such Goods, or if any of such Goods be secretly conveyed away, or if the Hatchways, after having been fastened down by the Officer, be opened, the Master of such Ship shall forfeit the Sum of One hundred Pounds.

to have free Access to all Parts; may seal or secure Goods, and open Locks.

Goods concealed, forfeited.

If Seal, &c. broken, Master to forfeit 100*l.*

Commissioned Ships, British or Foreign, having Goods on board, Person in charge to deliver an Account, or forfeit 100*l.*

XV. Provided always, and be it enacted, That if any Ship (having Commission from Her Majesty or from any Foreign Prince or State) arriving as aforesaid at any Port in the United Kingdom or in the *Isle of Man* shall have on board any Goods laden in Parts beyond the Seas, the Captain, Master, Purser, or other Person having the Charge of such Ship or of such Goods for that Voyage shall, before any Part of such Goods be taken out of such Ship, or when called upon so to do by any Officer of the Customs, deliver an Account in Writing under his Hand to the best of his Knowledge of the Quality and Quantity of every Package or Parcel of such Goods, and of the Marks and Numbers thereon, and of the Names of the respective Shippers and Consignees of the same, and shall make and subscribe a Declaration at the Foot of such Account declaring to the Truth thereof, and shall also truly answer to the Collector or Comptroller such Questions concerning such Goods as shall be required of him, and on Failure thereof such Captain, Master, Purser, or other Person shall forfeit the Sum of One hundred Pounds; and all such Ships shall be liable to such Searches as Merchant Ships are liable to, and the Officers of the Customs may freely enter and go on board all such Ships,

Such Ships liable to Search.

Ships, and bring from thence on shore into the Queen's Warehouse any Goods found on board any such Ship as aforesaid, subject nevertheless to such Regulations in respect of Ships of War belonging to Her Majesty as shall from Time to Time be directed in that respect by the Commissioners of Her Majesty's Treasury.

Inwards.
Report.

XVI. And be it enacted, That every Importer of any Goods shall, within Fourteen Days after the Arrival of the Ship importing the same, make perfect Entry Inwards of such Goods, or Entry by Bill of Sight in manner herein-after provided, and shall within such Time land the same; and in default of such Entry and landing it shall be lawful for the Officers of the Customs to convey such Goods to the Queen's Warehouse; and whenever the Cargo of any Ship shall have been discharged, with the Exception only of a small Quantity of Goods, it shall be lawful for the Officers of the Customs to convey such remaining Goods and at any Time to convey any small Packages or Parcels of Goods to the Queen's Warehouse, although such Fourteen Days shall not have expired, there to be kept waiting the due Entry thereof during the Remainder of such Fourteen Days; and if the Duties due upon any Goods so conveyed to the Queen's Warehouse shall not be paid within Three Months after such Fourteen Days shall have expired, together with all Charges of Removal and Warehouse Rent, the same shall be sold, and the Produce thereof shall be applied, first to the Payment of Freight and Charges, next of Duties, and the Overplus (if any) shall be paid to the Proprietor of the Goods.

Entry.

After Fourteen Days, Officer may land Goods not entered, and certain Goods before Fourteen Days.

Duties and Charges not paid in Three Months, Goods may be sold.

XVII. And be it enacted, That whenever any Officer of the Customs shall have been kept in charge of any Goods beyond the Time allowed by Law for the same being entered and landed, it shall be lawful for such Officer to detain the Vessel in which such Goods shall have been imported, provided the same are remaining on board the Vessel, until the Expences so incurred shall have been paid to such Person as the Commissioners of Her Majesty's Customs shall think fit to appoint to receive the same; and in all Cases where the Goods shall have been put out of the Vessel the Person or Persons in whose Names the same shall have been entered shall pay to the Person so appointed as aforesaid all such Expences as may have been so incurred by such Officer, and such Goods shall and may be detained until such Expences shall have been paid, and if not paid within One Month after Demand made in Writing of such Person or Persons by any Officer of the Customs, the same shall and may be sold, and the Proceeds shall be applied, first, to the Payment of the Freight and Charges, next of the Duties, next of the Expences of such Officer, and of the Charges attending the Seizure and Sale of such Goods, and the Overplus, if any, shall be paid to the Proprietor of the Goods.

Where Goods remain on board a Vessel beyond the Time allowed by Law, the Vessel and Goods may be detained until the Expence of guarding the Goods is paid.

XVIII. And be it enacted, That the Person entering any Goods Inwards (whether for Payment of Duty, or to be warehoused upon the first perfect Entry thereof, or for Payment of Duty upon the taking out of the Warehouse, or whether such Goods be free of Duty,) shall deliver to the Collector or Comptroller a Bill of the Entry

Bill of Entry to be delivered.

INWARDS.

Entry.

Entry of such Goods, fairly written, or fairly written in part and fairly printed in part, in Words at Length, expressing the Name of the Ship and of the Master of the Ship in which the Goods were imported, and of the Place from whence they were brought, and the Description and Situation of the Warehouse, if they are to be warehoused, and the Name of the Person in whose Name the Goods are to be entered, and the Quantity and Description of the Goods, and the Number and Denomination or Description of the respective Packages containing the Goods, and in the Margin of such Bill shall delineate the respective Marks and Numbers of such Packages, and shall pay down any Duties which may be payable upon the Goods mentioned in such Entry; and such Person shall also deliver at the same Time Two or more Duplicates, as the Case may require, of such Bill, in which all Sums and Numbers may be expressed in Figures; and the Particulars to be contained in such Bill shall be written, or partly written and partly printed, and arranged in such Form and Manner and the Number of such Duplicates shall be such as the Collector and Comptroller shall require; and such Bill, being duly signed by the Collector and Comptroller, and transmitted to the Landing Waiter, shall be the Warrant to him for the landing and delivering of such Goods.

Duplicates.

Bill of Entry signed shall be the Warrant.

Unauthorized Persons not to be permitted to make Entries.

XIX. And be it enacted, That every Person who shall make or cause to be made any such Entry Inwards of any Goods, not being duly authorized thereto by the Proprietor or Consignee of such Goods, shall for every such Offence forfeit the Sum of One hundred Pounds: Provided always, that no such Penalty shall extend or be deemed to extend to any Person acting under the Directions of the several Dock Companies or other Corporate Bodies authorized by Law to pass Entries.

Proviso.

Not valid unless agreeing with Manifest, Report, and other Documents;

and Description of Goods.

XX. And be it enacted, That no Entry, nor any Warrant for the landing of any Goods, or for the taking of any Goods out of any Warehouse, shall be deemed valid, unless the Particulars of the Goods and Packages in such Entry shall correspond with the Particulars of the Goods and Packages purporting to be the same in the Report of the Ship, and in the Manifest where a Manifest is required, and in the Certificate or other Document where any is required, by which the Importation or Entry of such Goods is authorized, nor unless the Goods shall have been properly described in such Entry by the Denominations and with the Characters and Circumstances according to which such Goods are charged with Duty or may be imported, either to be used in the United Kingdom or to be warehoused for Exportation only; and any Goods taken or delivered out of any Ship or out of any Warehouse, or for the Delivery of which, or for any Order for the Delivery of which, from any Warehouse, Demand shall have been made, not having been duly entered, shall be forfeited.

Goods not properly entered forfeited.

Goods by Number, Measure, or Weight.

Goods ad valorem.

XXI. And be it enacted, That if the Goods in such Entry be charged to pay Duty according to the Number, Measure, or Weight thereof, such Number, Measure, or Weight shall be stated in the Entry; and if the Goods in such Entry be charged to pay Duty according to the Value thereof, such Value shall be stated in the Entry,

Entry, and shall be affirmed by the Declaration of the Importer or his known Agent written upon the Entry, and attested by his Signature; and if the Goods in such Entry be chargeable, at the Option of the Officers of Customs, either according to the Number, Measure, or Weight thereof, or according to the Value thereof, then as well such Number, Measure, or Weight, as also such Value, shall be in like Manner stated in the Entry and attested; and if any Person make such Declaration, not being the Importer or Proprietor of such Goods, nor his Agent duly authorized by him, such Person shall forfeit the Sum of One hundred Pounds; and such Declaration shall be made in manner and form following, and shall be binding upon the Person by or on behalf of whom the same shall be made; (that is to say,)

Inwards. — *Entry.* — Declaration of Value. Penalty on Persons not authorized.

'I *A.B.* of [*Place of Abode*], do hereby declare, That I am [the Importer, *or* authorized by the Importer,] of the Goods contained in this Entry, and that I enter the same [*stating which, if Part only,*] at the Sum of

'Witness my Hand, the Day of

'*A.B.*

Form of Declaration.

XXII. And be it enacted, That if upon the Examination of any Goods for Duty it shall appear to the Officers of the Customs that such Goods are not valued according to the true Value thereof, it shall be lawful for such Officers to detain and secure such Goods, and within Seven Days from the Day on which such Goods shall be finally examined for Duty by the proper Officer, if in any Port in *England*, or within Ten Days from such last-mentioned Day if in any Port in *Scotland*, *Ireland*, or the *Isle of Man*, to take such Goods for the Use of the Crown; and if a different Rate of Duty shall be charged upon any Goods according as the Value of the same shall be described in the Entry to be above or to be below any particular Price or Sum, and such Goods shall be valued in the Entry so as to be liable to the lower Rate of Duty, and it shall appear to the Officers of the Customs that such Goods, by reason of their real Value, are properly liable to the higher Rate of Duty, it shall be lawful for such Officers, in like Manner, to take such Goods for the Use of the Crown; and the Commissioners of Her Majesty's Customs shall thereupon in any of such Cases cause the Amount of such Valuation, together with an Addition of Ten Pounds *per Centum* thereon, and also the Duties paid upon such Entry, to be paid to the Importer or Proprietor of such Goods, in full Satisfaction for the same, and shall dispose of such Goods for the Benefit of the Crown; and if the Produce of such Sale shall exceed the Sums so paid, and all Charges incurred by the Crown, one Moiety of the Overplus shall be given to the Officer or Officers who had detained and taken the Goods, and the Money retained for the Benefit of the Crown shall be paid into the Hands of the Collector of the Customs, with the Knowledge of the Comptroller, and be carried to account as Duties of Customs.

If Goods under-valued Officers may detain them. Valuation and Ten per Cent. to be paid to Importer. Goods to be sold for the Benefit of the Crown.

XXIII. And whereas it is expedient that correct Accounts may continue to be taken of the Value of the Imports of certain Goods upon which Duty has hitherto been charged according to the Value thereof,

Value of Goods entered Inwards to be stated

in the Entry, and attested by the Importer.

thereof, but upon which Goods the Duties have been repealed; be it enacted, That upon the Entry Inwards of any such Goods the Value thereof shall be stated in the Entry, and shall be affirmed by the Declaration of the Importer or his known Agent written upon the Entry, and attested by his Signature; and if such Declaration be false the Person signing the same shall forfeit a Sum not exceeding Twenty Pounds; and it shall be lawful for the Landing Waiter or other Officer appointed to examine such Goods to call for the Invoice, Bills of Parcels, and such other Documents relating thereto as he may think necessary, for ascertaining the true Value of the same.

Bill of Sight, if Goods be not known.

XXIV. And be it enacted, That if the Importer of any Goods, or his Agent, after full Conference with him, shall declare before the Collector or Comptroller that he cannot for Want of full Information make a full or perfect Entry of such Goods, and shall make and subscribe a Declaration to the Truth thereof, it shall be lawful for the Collector and Comptroller to receive an Entry by Bill of Sight for the Packages or Parcels of such Goods, by the best Description which can be given, and to grant a Warrant thereupon, in order that the same may be provisionally landed, and may be seen and examined by such Importer in Presence of the proper Officers; and within Three Days after any Goods shall have been so landed the Importer shall make a full or perfect Entry thereof, and shall either pay down all Duties which shall be due and payable upon such Goods, or shall duly warehouse the same, according to the Purport of the full or perfect Entry or Entries so made for such Goods, or for the several Parts or Sorts thereof: Provided always, that if, when full or perfect Entry be at any Time made for any Goods provisionally landed as aforesaid by Bill of Sight, such Entry shall not be made in manner herein required for the due landing of Goods, such Goods shall be deemed to be Goods landed without due Entry thereof, and shall be subject to the like Forfeiture accordingly.

Importer to examine, and make perfect Entry in Three Days;

or Goods to be taken to Queen's Warehouse; and in One Month may be sold.

XXV. And be it enacted, That in default of perfect Entry within such Three Days such Goods shall be taken to the Queen's Warehouse by the Officers of the Customs; and if the Importer shall not within One Month after such landing make perfect Entry or Entries of such Goods, and pay the Duties thereon, or on such Parts as can be entered for Home Use, together with the Charges of Removal and of Warehouse Rent, such Goods shall be sold for the Payment of such Duties (or for Exportation, if they be such as cannot be entered for Home Use, or shall not be worth the Duties and Charges,) and for the Payment of such Charges, and the Overplus, if any, shall be paid to the Importer or Proprietor thereof.

Where Goods are entered by Bill of Sight a Deposit equal in Amount to the Duties is to be made.

XXVI. And be it enacted, That in all Cases where an Entry for landing or examining Goods for Duty shall be made by Bill of Sight the Importer or his Agent shall, before the same be granted, deposit with the proper Officer of the Customs a Sum of Money sufficient in Amount to cover the Duties payable on the Goods intended to be landed by such Bill of Sight, and shall make and subscribe a Declaration

tion that he has not any Reason to believe that the Duties on the Goods will amount to more than the Sum deposited.

Case in which no Part of the Goods in a Package shall be delivered without perfect Entry of the whole.

XXVII. And be it enacted, That if the Sum deposited on a Bill of Sight shall not be equal in Amount to the Duties payable upon all the Goods contained in any single Package landed or examined thereby, no Part shall be delivered until a perfect Entry or Entries is or are made for the whole of the Goods contained in such Package.

Importer or Agent to endorse the Bill of Sight with Particulars of the Goods, and sign the same.

XXVIII. And be it enacted, That before any Goods in respect of which a Bill of Sight has been granted shall be delivered out of the Custody of the proper Officer of the Customs, the Importer or his Agent shall endorse upon the Bill of Sight granted for landing or examining the same a particular Account thereof, to which he shall affix his Signature and Place of Abode, with the Date of making such Endorsement; and such Endorsement upon the Bill of Sight shall, upon being duly signed by the Collector and Comptroller, become the perfect Entry for such Goods: Provided always, that nothing herein contained shall alter or affect any other of the Regulations required by Law in respect of Bills of Entry.

Goods landed by Bill of Sight fraudulently concealed to be forfeited.

XXIX. And be it enacted, That where any Package or Parcel shall have been landed by Bill of Sight, and any Goods or other Things shall be found in such Package or Parcel concealed in any way, or packed with Intent to deceive the Officers of Her Majesty's Customs, as well all such Goods and other Things as the Package or Parcel in which they are found, and all other Things contained in such Package or Parcel, shall be forfeited.

If Goods damaged on Voyage, an Abatement of Duties to be allowed.

XXX. And be it enacted, That if any Goods which are rated to pay Duty according to the Number, Measure, or Weight thereof, (except certain Goods herein-after mentioned,) shall receive Damage during the Voyage, an Abatement of such Duties shall be allowed in proportion to the Damage so received, provided Proof be made to the Satisfaction of the Commissioners of Her Majesty's Customs, or of any Officers of Customs acting therein under their Directions, that such Damage was received after the Goods were shipped abroad in the Ship importing the same, and before they were landed in the United Kingdom, and provided Claim to such Abatement of Duties be made at the Time of the first Examination of such Goods.

When Claim to be made.

Officers to examine Damage, and state Proportion, or choose Two Merchants to assess Damage.

XXXI. And be it enacted, That the Officers of the Customs shall thereupon examine such Goods with reference to such Damage, and may state the Proportion of Damage which in their Opinion such Goods have so received, and may make a proportionate Abatement of Duties; but if the Officers of Customs be incompetent to estimate such Damage, or if the Importer be not satisfied with the Abatement made by them, the Collector and Comptroller shall choose Two indifferent Merchants experienced in the Nature and Value of such Goods, who shall examine the same, and shall make and subscribe a Declaration, stating in what Proportion, according to their Judgment, such Goods are lessened in their Value by reason of such Damage, and

INWARDS. *Entry.* and thereupon the Officers of Customs may make an Abatement of the Duties according to the Proportion of Damage so declared by such Merchants.

No Abatement for certain Goods.

XXXII. Provided always, and be it enacted, That no Abatement of Duties shall be made on account of any Damage received by any of the Sorts of Goods herein-after enumerated; (that is to say,)

Cantharides,	Opium,
Cocoa,	Oranges,
Coculus Indicus,	Pepper,
Coffee,	Raisins,
Currants,	Rhubarb,
Figs,	Sarsaparilla,
Guinea Grains,	Senna,
Ipecacuanha,	Sugar,
Jalap,	Tea,
Lemons,	Tobacco,
Nux Vomica,	Wine.

Returned Goods; entered by Bill of Store, if Property be not changed; if Foreign Goods, Duties to be paid again; or Goods may be warehoused. Certain Goods may not be returned for Home Use.

XXXIII. And be it enacted, That it shall be lawful to re-import into the United Kingdom from any Place, in a Ship of any Country, any Goods (except as herein-after excepted) which shall have been legally exported from the United Kingdom, and to enter the same by Bill of Store, referring to the Entry Outwards, and Exportation thereof, provided the Property in such Goods continue in the Person by whom or on whose Account the same have been exported, and that such Re-importation take place within Six Years from the Date of the Exportation; and if the Goods so returned be Foreign Goods, which had before been legally imported into the United Kingdom, the same Duties shall be payable thereon as would at the Time of such Re-importation be payable on the like Goods under the same Circumstances of Importation as those under which such Goods had been originally imported, or such Goods may be warehoused as the like Goods might be warehoused upon a first Importation thereof: Provided always, that the several Sorts of Goods enumerated or described in the Table following shall not be re-imported into the United Kingdom for Home Use upon the ground that the same had been legally exported from thence, but that the same shall be deemed to be Foreign Goods, whether originally such or not, and shall also be deemed to be imported for the first Time into the United Kingdom; (that is to say,)

TABLE of GOODS above referred to.

Corn, Grain, Meal, Flour, and Malt:

Hops, Tea:

Goods for which any Bounty or any Drawback of Excise had been received on Exportation, unless by special Permission of the Commissioners of Her Majesty's Customs, and on Repayment of such Bounty or such Drawback:

All Goods for which Bill of Store cannot be issued in manner herein-after directed, except small Remnants of *British* Goods by special

special Permission of the Commissioners of Her Majesty's Customs, upon Proof to their Satisfaction that the same are *British*, and had not been sold: INWARDS. *Entry.*

Returned Tobacco. Provided also, that Tobacco re-imported by Bill of Store shall be subject to all the Restrictions imposed by Law upon Tobacco imported into the United Kingdom, and shall be liable to Forfeiture if imported contrary to such Restrictions.

Bill of Store may be issued by Searcher. XXXIV. And be it enacted, That the Person in whose Name any Goods so re-imported were entered for Exportation shall deliver to the Searcher at the Port of Exportation an exact Account, signed by him, of the Particulars of such Goods, referring to the Entry and Clearance Outwards and to the Return Inwards of the same, with the Marks and Number of the Packages, both Inwards and Outwards; and thereupon the Searcher, finding that such Goods had been legally exported, shall grant a Bill of Store for the same; and

Agent to declare Name of his Employer. if the Person in whose Name such Goods were entered for Exportation was not the Proprietor thereof, but his Agent, he shall declare on such Bill of Store the Name of the Person by whom he was employed as such Agent; and if the Person to whom such returned

Consignee to declare who is Proprietor. Goods are consigned shall not be such Proprietor and Exporter, he shall make and subscribe a Declaration on such Bill of Store of the Name of the Person for whose Use such Goods have been consigned to him; and the real Proprietor, ascertained to be such, shall make

Proprietor to declare to Identity, and Property unchanged; and subscribe a Declaration upon such Bill of Store, to the Identity of the Goods so exported and so returned, and that he was at the Time of Exportation and of Re-importation the Proprietor of such Goods, and that the same had not during such Time been sold or disposed of to any other Person; and such Declaration shall be made before the Collectors or Comptrollers at the Ports of Exportation and of Importation respectively; and thereupon the Collector or Comptroller shall admit such Goods to Entry by Bill of Store, and grant their Warrant accordingly: Provided always, that

Then Entry by Bill of Store to be granted. Goods, the Property of Persons resident abroad, may be entered by Bill of Store, if Property not changed. where the real Proprietor of any such Goods shall be absent from the United Kingdom at the Time of such Re-importation, such Goods, if legally entitled to be entered by Bill of Store, shall be permitted to be so entered upon Production of a Declaration subscribed by such real Proprietor, setting forth the Identity of the Goods so exported and so returned, and that he was at the Time of Exportation from the United Kingdom, and will be at the Time of Re-importation thereinto, the Proprietor of such Goods, and that the same have not during such Time been sold or disposed of to any other Person, such Declaration to be made before a *British* Consul, Vice Consul, or other *British* Authority residing in or near the Place of Residence of such real Proprietor, and upon such further Proof of the Identity of the Goods as the Commissioners of Customs shall require, and upon Compliance with all the other Regulations required by Law on the Entry of Goods by Bill of Store.

Surplus Stores subject as Goods; XXXV. And be it enacted, That the surplus Stores of every Ship arriving from Parts beyond the Seas in the United Kingdom or in the *Isle of Man* shall be subject to the same Duties, and the same Prohibitions, Restrictions, and Regulations as the like Sorts of

if not excessive, may be entered for private Use, or be warehoused for the Use of the Ship.

Goods shall be subject to when imported by way of Merchandize; but if it shall appear to the Collector and Comptroller that the Quantity or Description of such Stores is not excessive or unsuitable, under all the Circumstances of the Voyage, it shall be lawful for them to permit such surplus Stores to be entered for the private Use of the Master, Purser, or Owner of such Ship, or of any Passenger of such Ship to whom any such surplus Stores may belong, on Payment of the proper Duties, or to be warehoused for the future Use of such Ship, although the same could not be legally imported by way of Merchandize.

Goods from Possessions abroad.

Master to deliver Certificate.

XXXVI. And be it enacted, That no Goods shall be entered as being of or from any *British* Possessions abroad (if any Benefit attach to such Distinction), except the Territories subject to the Government of the Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, and *Bombay* respectively, unless the Master of the Ship importing the same shall have delivered to the Collector or Comptroller a Certificate, under the Hand of the proper Officer of the Place where such Goods were taken on board, of the due Clearance of such Ship from thence, containing an Account of such Goods.

Power to the Lords of the Treasury to require Certificates of Production.

Goods imported without required Certificates deemed Foreign; and Foreign Goods imported from a British Possession deemed to be imported from a Foreign Country.

XXXVII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, by any Order under their Hands, to declare that a Certificate of Production shall be required upon the Exportation of any Goods from any *British* Possession abroad or other Place, or upon the Importation of such Goods into the United Kingdom, and to frame such Regulations respecting such Certificates as they may think fit; and if any Goods in respect of which such a Certificate shall have been so required, or in respect of which a Certificate of Production, or any such Certificate of Clearance as aforesaid, shall be required by any Law for the Time being in force, shall be imported into the United Kingdom without such Certificates respectively, the same shall be deemed and taken to be of Foreign Growth, Produce, or Manufacture; and all Goods so deemed and taken to be of Foreign Growth, Produce, or Manufacture, and all other Goods whatsoever of the Growth, Produce, or Manufacture of Foreign Countries, which shall henceforth be imported into the United Kingdom from any *British* Possession abroad, shall be deemed and taken, so far as respects Liability to Duties, to have been imported from a Foreign Country: Provided always, that all Orders of the Commissioners of Her Majesty's Treasury made in pursuance hereof shall be duly published in the *London* and *Dublin* Gazettes Three Times at least within Three Months from the Date of such Orders respectively.

Certificate of Growth of Sugar, Coffee, Cocoa, and Spirits.

XXXVIII. And be it enacted, That before any Sugar, Coffee, Cocoa, or Spirits shall be entered as being of the Produce of some *British* Possession in *America*, or the Island of *Mauritius*, the Master of the Ship importing the same shall deliver to the Collector or Comptroller a Certificate, under the Hand of the proper Officer of the Place where such Goods were taken on board, testifying that Proof had been made in manner required by Law that such Goods are of the Produce of some *British* Possession in *America* or of the Island of *Mauritius*,

Mauritius, stating the Name of the Place where such Goods were produced, and the Quantity and Quality of the Goods, and the Number and Denomination of the Packages containing the same, and the Name of the Ship in which they are laden, and of the Master thereof; and such Master shall also make and subscribe a Declaration before the Collector or Comptroller, that such Certificate was received by him at the Place where such Goods were taken on board and that the Goods so imported are the same as are mentioned therein.

INWARDS. *Entry.* Master to declare to Certificate.

XXXIX. And be it enacted, That before any Sugar shall be entered as being the Produce of any *British* Possession within the Limits of the *East India* Company's Charter the Master of the Ship importing the same shall deliver to the Collector or Comptroller a Certificate under the Hand and Seal of the proper Officer at the Place where such Sugar was taken on board, testifying that a Declaration in Writing, the Contents of which he believed to be true, had been made and signed before him by the Shipper of such Sugar, that the same was really and *bonâ fide* the Produce of such *British* Possession; and such Master shall also make and subscribe a Declaration before the Collector or Comptroller, that such Certificate was received by him at the Place where such Sugar was taken on board, and that the Sugar so imported is the same as is mentioned therein.

Certificate of Sugar from Limits of East India Company's Charter. Master to declare to Certificate.

XL. And be it enacted, That if any Sugar the Produce of any *British* Possession within the Limits of the *East India* Company's Charter shall have been imported into the *Cape of Good Hope* from the Place of its Production, accompanied by such a Certificate of Origin as would be sufficient for its Admission in the United Kingdom at the Rate of Duty payable upon such Sugar if imported direct from the Place of its Production, and shall have been warehoused at the *Cape of Good Hope* under the Regulations there in force for the warehousing of Goods, and shall have been exported from such Warehouse accompanied by a Certificate from the proper Officer of the Customs at the *Cape of Good Hope*, setting forth the Particulars of the Importation, and of the warehousing, and of the Exportation of the same, and also setting forth the Substance of the Certificate of Origin before mentioned, and if on the Arrival in the United Kingdom of the Ship importing such Sugar the Master of such Ship shall deliver to the Collector or Comptroller at the Port of Importation such Certificate from the Officer of the Customs at the *Cape of Good Hope*, and shall make and subscribe a Declaration before such Collector or Comptroller that such Certificate was received by him at the *Cape of Good Hope*, and that the Sugar so imported is the same as is mentioned therein, then such Sugar shall be admitted at such Port of Importation in the United Kingdom at the same Rate of Duty as would be payable if the same had been imported direct from the Place of its Production.

East India Sugar warehoused at the Cape of Good Hope, and imported from thence.

XLI. And be it enacted, That before any Wine shall be entered as being the Produce of the *Cape of Good Hope* the Master of the Ship importing the same shall deliver to the Collector or Comptroller a Certificate

Certificate of Wine, Produce of Cape of Good Hope;

INWARDS. *Entry.* a Certificate under the Hand of the proper Officer at the *Cape of Good Hope*, testifying that Proof had been made in manner required by Law that such Wine is of the Produce of the *Cape of Good Hope* or the Dependencies thereof, stating the Quantity and Sort of such Wine, and the Number and Denomination of the Packages containing the same; and such Master shall also make and subscribe a Declaration before the Collector or Comptroller, that such Certificate was received by him at the *Cape of Good Hope*, and that the Wine so imported is the same as is mentioned therein.

Master to declare to Certificate.

Goods of Guernsey, Jersey, &c.

XLII. And be it enacted, That any Goods of the Growth of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, and any Goods manufactured in the said Islands from Materials of the Growth of the said Islands, or from Materials not subject to Duty in the United Kingdom, or from Materials upon which the Duty has been paid in the United Kingdom, and upon which no Drawback has subsequently been granted, and any Manufactures of Linen or Cotton made in and imported from the *Isle of Man*, may be imported into the United Kingdom from the said Islands respectively, without Payment of any Duty; and that such Goods shall not be deemed to be included in any Charge of Duties imposed by any Act hereafter to be made on the Importation of Goods generally from Parts beyond the Seas: Provided always, that such Goods may nevertheless be charged with any Proportion of such Duties as shall fairly countervail any Duties of Excise, or any Coast Duty, payable on the like Goods the Produce of the Part of the United Kingdom into which they shall be imported, or payable upon any of the Materials from which such Goods are manufactured; provided also, that all Goods manufactured in any of the said Islands from any other Materials than the Materials aforesaid, except Manufactures of Linen and Cotton made in and imported from the *Isle of Man* as aforesaid, shall be deemed and taken to be Foreign Goods.

Duty-free;

with Exceptions.

Master to deliver Certificate of Produce, and declare to Certificate.

XLIII. And be it enacted, That before any Goods shall be entered as being the Produce of the said Islands (if any Benefit attach to such Distinction) the Master of the Ship or Vessel importing the same shall deliver to the Collector or Comptroller a Certificate from the Governor, Lieutenant Governor, or Commander in Chief of the Island from whence such Goods were imported, that Proof had been made, in manner required by Law, that such Goods were of the Produce of such Island, stating the Quantity and Quality of the Goods, and the Number and Denomination of the Packages containing the same; and such Master shall also make and subscribe a Declaration before the Collector or Comptroller, that such Certificate was received by him at the Place where such Goods were taken on board, and that the Goods so imported are the same as are mentioned therein.

Treasury may permit Produce of Colonial Fisheries to be imported from Guernsey.

XLIV. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, when and so long as they shall see fit, to permit any Goods the Produce of the *British* Possessions or Fisheries in *North America*, which shall have been legally imported into the Islands of *Guernsey* or *Jersey* direct from such Possessions, to be imported into the United Kingdom for Home Use direct from

those Islands, under such Regulations as the said Commissioners shall direct, any thing in the Law of Navigation to the contrary notwithstanding. INWARDS. *Entry.*

XLV. And be it enacted, That no Vessel arriving on the Coast of *England* from *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, wholly laden with Stone the Production thereof, shall be liable to be conducted or piloted by Pilots appointed and licensed by the Corporation of the Trinity House of *Deptford Strond*, any Law, Custom, or Usage to the contrary notwithstanding. Vessels with Stone from Guernsey, &c. not to be piloted.

XLVI. And be it enacted, That fresh Fish of every Kind, of *British* taking and imported in *British* Ships, and fresh Lobsters, however taken or in whatever Ship imported, and cured Fish of every Kind, of *British* taking and curing, imported in *British* Ships, shall be imported free of all Duties, and shall not be deemed to be included in any Charge of Duty imposed by any Act hereafter to be made on the Importation of Goods generally: Provided always, that before any cured Fish shall be entered free of Duty, as being of such taking and curing, the Master of the Ship importing the same shall make and subscribe a Declaration before the Collector or Comptroller that such Fish was actually caught and taken in *British* Ships, and cured by the Crews of such Ships, or by Her Majesty's Subjects. Fish, British taking and curing, and Lobsters, free of Duty on Importation. Declaration of Master.

XLVII. And be it enacted, That before any Blubber, Train Oil, Spermaceti Oil, Head Matter, or Whale Fins shall be entered as being the Produce of Fish or Creatures living in the Sea, taken and caught wholly by Her Majesty's Subjects usually residing in some Part of Her Majesty's Dominions, and imported from some *British* Possession, the Master of the Ship importing the same shall deliver to the Collector or Comptroller a Certificate under the Hand of the proper Officer of such *British* Possession where such Goods were taken on board, (or if no such Officer be residing there, then a Certificate under the Hands of Two principal Inhabitants at the Place of Shipment,) notifying that a Declaration had been made before him or them by the Shipper of such Goods, that the same were the Produce of Fish or Creatures living in the Sea taken wholly by *British* Vessels owned and navigated according to Law; and such Master shall also make and subscribe a Declaration before the Collector or Comptroller that such Certificate was received by him at the Place where such Goods were taken on board, and that the Goods so imported are the same as mentioned therein; and the Importer of such Goods shall also make and subscribe a Declaration before the Collector or Comptroller, at the Time of Entry, that to the best of his Knowledge and Belief the same were the Produce of Fish or Creatures living in the Sea taken wholly by *British* Vessels in manner aforesaid. Certificate of Blubber, Train Oil, &c. British Colonial taking. Declaration of Master and Importer.

XLVIII. And be it enacted, That before any Blubber, Train Oil, Spermaceti Oil, Head Matter, or Whale Fins, imported direct from the Fishery shall be entered as being the Produce of Fish or Creatures living in the Sea taken and caught wholly by the Crews of *British* Ships cleared out from the United Kingdom, or from any *British* Before Entry of Blubber, &c. of British fishing, Master and Importer to make Decla-

ration of the same.

British Possession, the Master of such Ship importing such Goods shall make and subscribe a Declaration, and the Importer of such Goods (to the best of his Knowledge and Belief) shall make and subscribe a Declaration, that the same are the Produce of Fish or Creatures living in the Sea taken and caught wholly by the Crew of such Ship, or by the Crew of some other *British* Ship (naming the Ship) cleared out from the United Kingdom or from any *British* Possession (stating which of such Possessions).

Importation direct.

XLIX. And be it enacted, That no Goods shall be deemed to be imported from any particular Place unless they be imported direct from such Place, and shall have been there laden on board the importing Ship, either as the first Shipment of such Goods, or after the same shall have been actually landed at such Place.

Goods the Property of the Crown sold after Importation charged with Duty.

L. And be it enacted, That all Goods, Wares, and Merchandize the Property of the Crown shall, in case of the Sale thereof after Importation into the United Kingdom, be liable to and be charged with such and the same Duties of Customs as may be by Law payable or charged on the like Goods, Wares, and Merchandize not being the Property of the Crown.

Foreign Goods derelict, &c. and Droits of Admiralty, to be subject to same Duties as on Importation.

LI. And be it enacted, That all Foreign Goods, derelict, jetsam, flotsam, and wreck, brought or coming into the United Kingdom or into the *Isle of Man*, and all Droits of Admiralty sold in the United Kingdom, shall at all Times be subject to the same Duties as Goods of the like Kind imported into the United Kingdom or the *Isle of Man* respectively are subject to: Provided always, that if, for ascertaining the proper Amount of Duty so payable, any Question shall arise as to the Origin of any such Goods, the same shall be deemed to be of the Growth, Produce, or Manufacture of such Country or Place as the Commissioners of Her Majesty's Customs shall, upon Investigation by them, determine.

An Abatement of Duty to be made in respect of certain wrecked Goods damaged; but no such Abatement to be made in respect of the Goods herein stated.

LII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs, or for the Officers of Customs acting under their Directions, to inquire into and receive Proof of the Extent to which any such Goods may have been damaged, and to make such Abatement of the Duties payable thereon as to them shall appear to bear a just Proportion to the Damage so ascertained: Provided always, that no such Abatement shall be made in respect of any of the Goods following; (that is to say,)

Cantharides,
Cocoa,
Coculus Indicus,
Coffee,
Currants,
Figs,
Guinea Grains,
Ipecacuanha,
Jalap,
Lemons,
Nux Vomica,
Opium,
Oranges,
Pepper,
Raisins,
Rhubarb,
Sarsaparilla,
Senna,
Spirits,
Sugar,
Tea,
Tobacco, and
Wine.

LIII. And

LIII. And be it enacted, That if any Person shall have Possession of any Foreign Goods, derelict, jetsam, flotsam, or wreck, either on Land or within any Port in the United Kingdom, and shall not give Notice thereof to the proper Officer of the Customs within Twenty-four Hours after such Possession, or shall not on demand pay the Duties due thereon, or deliver the same into the Custody of the proper Officer of the Customs, such Person shall forfeit the Sum of One hundred Pounds; and if any Person shall remove or alter in Quantity or Quality any such Goods, or shall open or alter any Package containing any such Goods, or shall cause any such Act to be done, or assist therein, before such Goods shall be deposited in a Warehouse in the Custody of an Officer of the Customs, every such Person shall forfeit the Sum of One hundred Pounds; and in default of the Payment of the Duties on such Goods within Eighteen Months from the Time when the same were so deposited, the same may be sold in like Manner and for the like Purposes as Goods imported may in such Default be sold: Provided always, that any Lord of the Manor having by Law just Claim to such Goods, or if there be no such Lord of the Manor, then the Person having Possession of the same, shall be at liberty to retain the same in his own Custody, giving Bond, with Two sufficient Sureties, to be approved by the proper Officer of the Customs, in Treble the Value of such Goods, for the Payment of the Duties thereon at the End of One Year and One Day, or to deliver such Goods to the proper Officer of the Customs in the same State and Condition as the same were in at the Time of taking possession thereof.

Persons *having such Goods in possession, without Notice,* &c. liable to a Penalty of 100*l.*

Lord of Manor or Salvor may retain such Goods on giving Bond for Payment of Duties.

LIV. And whereas such Goods, if not claimed by the Owner within the Period limited by Law, belong of right to Her Majesty in Her Office of Admiralty, but by reason of the Smallness of their Value would, if prosecuted to Condemnation in the High Court of Admiralty in *England* and *Ireland* respectively, be wholly unproductive; be it therefore enacted, That whenever any such Goods, whether picked up at Sea or on the Shore within the Flow of the Sea, shall be reported to the Officers of the Customs, Notice thereof shall be forthwith given by them, if in *Great Britain* or the *Isle of Man*, to the Receiver General of Droits of Admiralty, and if in *Ireland* to the Queen's Proctor of Admiralty; and all such Goods shall be placed at their Disposal respectively, as the Case may be, subject, however, to the Payment of the Duties with which they shall be respectively chargeable; and in case the rightful Owner thereof shall prove his Claim thereto to the Satisfaction of the said Receiver General or Queen's Proctor, as the Case may be, within the Period of Twelve Calendar Months from the Day on which they shall be so reported, such Goods shall be restored to the Owner, on Payment of the Duties and necessary Charges attending the Care of the same, and a reasonable Compensation to the Amount of One Third of the net Value (after abating the Duties and Charges aforesaid) to the Salvors thereof; but if no such Claim shall be established within the Period aforesaid, then such Goods shall be deemed and taken to be condemned to Her Majesty as Droits of Admiralty, and may be sold by the said Receiver General or Queen's Proctor, without any Process from

Goods reported to Customs as jetsam, &c., and not claimed within Twelve Months, to be deemed condemned as Droits of Admiralty.

In case of satisfactory Claim.

INWARDS. *Entry.*

from the High Courts of Admiralty respectively, and the net Proceeds thereof, after Payment of Duties, Salvage, and other Charges as aforesaid, shall be disposed of by them respectively, and carried to the Credit of the Consolidated Fund, in like Manner as Droits of Admiralty are by an Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, for the Support of His Majesty's Household, and the Honour and Dignity of the Crown, directed to be applied, any thing in any Act or Acts contained, or any Law, Statute, or Usage, to the contrary thereof notwithstanding.

Goods under Excise Permit Regulations.

LV. And whereas it may be expedient to subject some Sorts of Goods imported into the United Kingdom to certain internal Regulations and Restraints after the full Duties of Customs have been paid thereon, and to place such Regulations and Restraints under the Management of the Commissioners of Excise; be it therefore enacted, That no Goods which are subject to any Regulations of Excise shall be taken or delivered out of the Charge of the Officers of Customs (although the same may have been duly entered with them, and the full Duties due thereon may have been paid,) until such Goods shall also have been duly entered with the Officers of Excise, and Permit, where such Permit is by Law required, granted by them for Delivery of the same, nor unless such Permit shall correspond in all Particulars with the Warrant of the Officers of the Customs: Provided always, that such Entry shall not be received by the Officers of the Excise, nor such Permit granted by them, until a Certificate shall have been produced to them of the Particulars of the Goods, and of the Warrant for the same, under the Hand of the Officers of the Customs who shall have the Charge of the Goods: Provided also, that if upon any Occasion it shall appear necessary it shall be lawful for the proper Officers of Excise to attend the Delivery of such Goods by the Officers of the Customs, and to require that such Goods shall be delivered only in their Presence; and it shall be lawful for such Officers of Excise to count, measure, gauge, or weigh any such Goods, and fully to examine the same, and to proceed in all respects relating to such Goods in such Manner as they shall be authorized or required by any Act for the Time being in force relating to the Excise.

Officers of Excise may attend Delivery.

Commissioners of Customs may direct certain Goods to be stamped.

LVI. And whereas by the Laws now in force certain Articles subject to an Inland Duty of Excise are required to be stamped, to denote the Payment of such Duty; and to prevent Fraud in the Evasion of such Duty it is expedient that Foreign Articles of a similar Description, when imported into the United Kingdom, should be stamped with such Mark or Stamp as the Commissioners of Her Majesty's Customs may deem necessary, in order to distinguish the Foreign from the *British* Article; be it therefore enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized, after any Goods have been entered at the Custom House, and before the same shall be discharged by the Officers, and delivered into the Custody of the Importer or his Agent, to mark or stamp such Goods in such Manner

and

and Form as they may deem fit and proper for the Security of the Revenue, and by such Officer as they shall direct and appoint for that Purpose. INWARDS. *Entry.*

LVII. And be it enacted, That every Order made by the said Commissioners of Her Majesty's Customs in respect of marking or stamping any Goods shall be published in the *London Gazette* and *Dublin Gazette*. Orders for stamping Goods to be published.

LVIII. And be it enacted, That if any Person or Persons shall at any Time forge or counterfeit any Mark or Stamp to resemble any Mark or Stamp which shall be provided and used for the Purposes of this Act, or shall forge or counterfeit the Impression of any such Mark or Stamp, or shall sell or expose to Sale, or have in his, her, or their Custody or Possession, any Goods with a counterfeit Mark or Stamp, knowing the same to be counterfeit, or shall use or affix any such Mark or Stamp to any other Goods required to be stamped as aforesaid other than that to which the same was originally affixed, all and every such Offender or Offenders, and his, her, or their Aiders, Abettors, and Assistants, shall for every such Offence forfeit and pay the Sum of Two hundred Pounds. Penalty on forging such Stamps, 200*l*.

LIX. And be it enacted, That no Goods whatever (except Diamonds, Bullion, fresh Fish of *British* taking and imported in *British* Ships, and Lobsters,) shall be unshipped from any Ship arriving from Parts beyond the Seas, or landed or put on shore, but only on Days not being *Sundays* or Holidays, and in the Daytime, (that is to say,) from the First Day of *September* until the last Day of *March* between Sun-rising and Sun-setting, and from the last Day of *March* to the First Day of *September* between the Hours of Seven of the Clock in the Morning and Four of the Clock in the Afternoon; nor shall any Goods, except as aforesaid, be so unshipped or landed unless in the Presence or with the Authority of the proper Officer of the Customs; and such Goods, except as aforesaid, shall be landed at one of the legal Quays appointed for the landing of Goods, or at some Wharf, Quay, or Place appointed by the Commissioners of Her Majesty's Customs for the landing of Goods by Sufferance; and that no Goods, except as aforesaid, after having been unshipped, shall be transhipped, or after having been put into any Boat or Craft to be landed shall be removed into any other Boat or Craft previously to their being duly landed, without the Permission or Authority of the proper Officer of the Customs. Times and Places for landing Goods.

LX. And be it enacted, That the unshipping, carrying, and landing of all Goods, and the bringing of the same to the proper Place after landing, for Examination or for weighing, and the putting the same into the Scales, and the taking of the same out of and from the Scales after weighing, shall be performed by or at the Expence of the Importer. Goods to be unshipped, &c. at the Expence of Importer.

LXI. And be it enacted, That the Times, Places, and Manner of landing Foreign Fish imported into the United Kingdom, and of reporting and entering the same, and of paying the Duties due thereon, Foreign Fish to be landed and entered under the

Directions of the Commissioners of Customs.

thereon, shall be subject to such Regulations and Directions as the Commissioners of Her Majesty's Customs shall from Time to Time make respecting the same; and that all Foreign Fish unladen from any Vessel contrary to any such Regulations and Directions shall be forfeited.

Timber to be piled at the Expence of the Importer, so as to enable the Officer of Customs to measure it.

LXII. And be it enacted, That the Importer or Person entering Timber or Wood to be charged with Duty by Measurement shall, at his Expence, sort, pile, frame, or otherwise place the same in such Manner as the Commissioners of Her Majesty's Customs may deem necessary to enable the Officers to measure and take a true and correct Account thereof; and that in all such Cases, when the same is measured in Bulk, the Measurement shall be taken to the full Extent of the Pile, and that no Allowance shall be made by the Officers on account of the Interstices arising out of such Process of sorting, piling, framing, or placing: Provided always, that all Battens, Boards, Deals, and Planks exceeding Twenty-one Feet in Length may be measured by the Piece, and the Account thereof taken separately.

Prohibitions and Restrictions.

Prohibitions and Restrictions, absolute or modified.

LXIII. And be it enacted, That the several Sorts of Goods enumerated or described in the Table following, denominated "A Table of Prohibitions and Restrictions Inwards," shall either be absolutely prohibited to be imported into the United Kingdom, or shall be imported only under the Restrictions mentioned in such Table, according as the several Sorts of such Goods are respectively set forth therein; (that is to say,)

A TABLE OF PROHIBITIONS AND RESTRICTIONS INWARDS.

A LIST of GOODS absolutely PROHIBITED to be IMPORTED.

Arms, Ammunition, and Utensils of War, by way of Merchandize, except by Licence from Her Majesty, for furnishing Her Majesty's public Stores only.

Articles of Foreign Manufacture, and any Packages of such Articles, bearing any Names, Brands, or Marks purporting to be the Names, Brands, or Marks of Manufacturers resident in the United Kingdom.

Books, wherein the Copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other Country, as to which the Proprietor of such Copyright or his Agent shall have given to the Commissioners of Customs a Notice in Writing that such Copyright subsists, such Notice also stating when such Copyright will expire.

Paper printed on in the *English* Language.

Clocks and Watches of any Metal, impressed with any Mark or Stamp appearing to be or to represent any legal *British* Assay Mark or Stamp, or purporting by any Mark or Appearance to be of the Manufacture of the United Kingdom, not having the Name and Place of Abode of some Foreign Maker abroad visible and permanently engraved on the Frame and also on the Face, or not being in a complete State, with all the Parts properly fixed in the Case.

Coin:

Coin; *viz.*

—— False Money or counterfeit Sterling.

—— Silver, of the Realm, or any Money purporting to be such, not being of the established Standard in Weight or Fineness.

Goods from the *Isle of Man*, except such as be of the Growth, Produce, or Manufacture thereof, or of the United Kingdom, and except Corn, Grain, Meal, or Flour.

Gunpowder, except by Licence from Her Majesty, such Licence to be granted for furnishing Her Majesty's Stores only.

Malt.

Snuff-work.

Spirits from the *Isle of Man*.

Tobacco Stalks stripped from the Leaf, whether manufactured or not.

Tobacco Stalk Flour.

LIST of GOODS subject to certain RESTRICTIONS on IMPORTATION.

Fish of Foreign taking, and all Train Oil, Blubber, Spermaceti Oil, Head Matter, Skins, Bones, and Fins, the Produce of Fish or Creatures living in the Sea, except Anchovies, Eels, Turbots, and Lobsters, unless in Vessels which shall have been cleared out regularly with such Fish on board from some Foreign Port.

Goods of Places within the Limits of the *East India* Company's Charter, unless into Ports approved of by the Lords of the Treasury, and declared by Order in Council to be fit and proper for such Importation.

Gloves of Leather, unless in Ships of Sixty Tons Burden or upwards, and in Packages each containing One hundred Dozen Pairs of such Gloves at least.

Hides, Skins, Horns, or Hoofs, or any other Part of Cattle or Beast, Her Majesty may by Order in Council prohibit, in order to prevent any contagious Distemper.

Parts of Articles; *viz.*

—— Any distinct or separate Part of any Article not accompanied by the other Part or all the other Parts of such Article, so as to be complete and perfect, if such Article be subject to Duty according to the Value thereof.

Silk; *viz.*

—— Manufactures of Silk, being the Manufactures of *Europe*, unless into the Ports of *London*, *Liverpool*, *Hull*, or *Southampton*, or Ports appointed by the Commissioners of Her Majesty's Treasury, or into the Port of *Dublin* direct from *Bourdeaux*, or into the Port of *Dover* direct from *Calais* or *Boulogne*, and unless in Ships of Sixty Tons Burden or upwards.

Spirits, not being perfumed or medicinal Spirits, unless in Ships of Sixty Tons Burden at least.

—— also unless in Casks or other Vessels capable of containing Liquids, each of such Casks or other Vessels being of the Size or Content of Twenty Gallons at the least, or in Glass Bottles or Stone Bottles not exceeding the Size of Quart Bottles, and being really Part of the Cargo of the Ship in which the same are imported, and included in the Manifest or other Papers enumerating or descriptive of the Cargo thereof.

Tea,

INWARDS.

Prohibitions and Restrictions.

Tea, unless from the *Cape of Good Hope*, or from Places Eastward of the same to the *Straits of Magellan*.

Tobacco and Snuff; *viz.*

—— unless in Ships of One hundred and twenty Tons Burden or upwards.

—— also unless in Hogsheads, Casks, Chests, or Cases containing Three hundred Pounds Weight of Tobacco or Snuff each at least, not being separated or divided in any Manner within the Cask or Package; except that Tobacco of the Dominions of the *Turkish* Empire may be packed in inward Bags or Packages, or separated or divided in any Manner, provided the outward Package be a Hogshead, Cask, Chest, or Case containing at least Three hundred Pounds net Weight of Tobacco.

—— Tobacco and Snuff from the *East Indies*, unless in Hogsheads, Casks, Chests, or Cases each of which shall contain at least One hundred Pounds net Weight of Tobacco or Snuff.

—— Cigars, unless in Packages containing One hundred Pounds Weight of Cigars at least.

—— Tobacco the Produce of *Mexico*, or the Produce of *South America* or the Islands of *Saint Domingo* or *Cuba*, imported direct from those Places respectively, or from the Warehouse in *Jamaica*, or some other *British* Possession in *America*, unless in Packages each containing at least Eighty Pounds net Weight of such Tobacco.

—— Negrohead Tobacco the Produce of and imported from the United States of *America* in Packages each containing at least One hundred and fifty Pounds net Weight of such Tobacco.

—— and unless into the Ports of *London*, *Liverpool*, *Bristol*, *Lancaster*, *Cowes*, *Falmouth*, *Whitehaven*, *Hull*, *Port Glasgow*, *Greenock*, *Glasgow*, *Aberdeen*, *Leith*, *Newcastle-upon-Tyne*, *Plymouth*, *Belfast*, *Cork*, *Drogheda*, *Dublin*, *Galway*, *Limerick*, *Londonderry*, *Newry*, *Sligo*, *Waterford*, and *Wexford*;

—— or into some other Port or Ports which may hereafter be appointed for such Purpose by the Commissioners of Her Majesty's Treasury; such Appointments in *Great Britain* being published in the *London Gazette*, and such Appointment in *Ireland* being published in the *Dublin Gazette*;

—— but any Ship wholly laden with Tobacco may come into the Ports of *Cowes* or *Falmouth* to wait for Orders, and there remain Fourteen Days, provided due Report of such Ship be made by the Master with the Collector or Comptroller of such Port.

Forfeiture. And if any Goods shall be imported or brought into the United Kingdom contrary to any of the Prohibitions or Restrictions mentioned in such Table in respect of such Goods, the same shall be forfeited.

But Goods may be warehoused for Exportation only, although prohibited.

LXIV. Provided always, and be it enacted, That any Goods, of whatsoever Sort, may be imported into the United Kingdom to be warehoused under the Regulations of any Act in force for the Time being for the warehousing of Goods, without Payment of Duty at the Time of the first Entry thereof, or notwithstanding that such Goods may be prohibited to be imported into the United Kingdom to be used therein, except the several Sorts of Goods enumerated

or described in manner following; (that is to say,) Goods prohibited on account of the Package in which they are contained, or the Tonnage of the Ship in which they are laden; Arms, Ammunition, or Utensils of War; Gunpowder; infected Hides, Horns, Hoofs, Skins, or any other Part of any Cattle or Beast; counterfeit Coin or Tokens; Books, wherein the Copyright will be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other Country, as to which the Proprietor of such Copyright or his Agent shall have given to the Commissioners of Her Majesty's Customs a Notice in Writing that such Copyright subsists, such Notice also stating when such Copyright will expire; Copies of Prints first engraved, etched, drawn, or designed in the United Kingdom; Copies of Casts of Sculptures or Models first made in the United Kingdom; Clocks or Watches, being such as are prohibited to be imported for Home Use. Exceptions.

LXV. And be it enacted, That if by reason of the Sort of any Goods, or of the Place from whence or the Country or Navigation of the Ship in which any Goods have been imported, they be such or be so imported as that they may not be used in the United Kingdom, they shall not be entered except to be warehoused, and it shall be declared upon the Entry of such Goods that they are entered to be warehoused for Exportation only. Certain Goods to be entered to be warehoused for Exportation only.

LXVI. And whereas it is expedient that the Officers of Customs should have full Cognizance of all Ships departing from any Port or Place in the United Kingdom or in the *Isle of Man* for Parts beyond the Seas, and of all Goods taken out of the United Kingdom or out of the *Isle of Man*; and it is therefore necessary to make Regulations for the entering and clearing Outwards of all such Ships, and for the entering, clearing, and shipping of all such Goods; be it therefore enacted, That no Goods shall be shipped, or waterborne to be shipped, on board any Ship in any Port or Place in the United Kingdom or in the *Isle of Man*, to be carried to Parts beyond the Seas, before due Entry Outwards of such Ship and due Entry of such Goods shall have been made, and Cocket granted, nor before such Goods shall have been duly cleared for Shipment in manner herein-after directed; and that no Stores shall be shipped for the Use of any such Ship bound to Parts beyond the Seas, nor shall any Goods be deemed or admitted to be such Stores, except such as shall be borne upon the Victualling Bill duly granted for such Ship; and that no Goods shall be so shipped, or waterborne to be so shipped, except at such Times and Places, and in such Manner, and by such Persons, and under the Care of such Officers, as is and are herein-after directed; and all Goods and Stores which shall be shipped, or be waterborne to be shipped, contrary hereto, shall be forfeited. OUTWARDS.

General Provision.

Goods not to be shipped till Entry of Ship and Entry of Goods and Cocket granted, nor till cleared;

nor Stores without Victualling Bill.

Proper Times and Places and Officers.

Forfeiture.

LXVII. And be it enacted, That no Ship on board of which any Goods or Stores shall have been shipped in any Port in the United Kingdom or in the *Isle of Man* for Parts beyond the Seas shall depart from such Port until such Ship shall have been duly cleared Outwards for her intended Voyage in manner herein-after directed, under Forfeiture Ships to be cleared, or Master to forfeit 100*l.*

feiture of the Sum of One hundred Pounds by the Master of such Ship.

Victualling Bill for Stores.

LXVIII. And be it enacted, That the Master of every Ship which is to depart from any Port in the United Kingdom or in the *Isle of Man* for Parts beyond the Seas shall, upon due Application made by him, receive from the Searcher a Victualling Bill for the Shipment of such Stores as he shall require, and as shall be allowed by the Collector and Comptroller, for the Use of such Ship, according to the Voyage upon which she is about to depart; and that no Articles taken on board any Ship shall be deemed to be Stores except such as shall be borne upon the Victualling Bill for the same.

Ship's Entry.

—

Master to deliver Certificate of Clearance of last Voyage, and to make Entry Outwards.

Particulars of Entry.

LXIX. And be it enacted, That the Master of every Ship in which any Goods are to be exported from the United Kingdom or from the *Isle of Man* to Parts beyond the Seas shall, before any Goods be taken on board, deliver to the Collector or Comptroller a Certificate from the proper Officer of the Clearance Inwards or Coastwise of such Ship of her last Voyage, specifying what Goods, if any, have been reported Inwards for Exportation, and shall also deliver to the Collector or Comptroller an Account, signed by the Master or his Agent, of the Entry Outwards of such Ship for her intended Voyage, setting forth the Name and Tonnage of the Ship, the Name of the Place to which she belongs if a *British* Ship, or of the Country if a Foreign Ship, the Name of the Master, and the Name or Names of the Place or Places for which she is bound, if any Goods are to be shipped for the same, and the Name of the Place in such Port at which she is to take in her Lading for such Voyage; and if such Ship shall have commenced her Lading at some other Port, the Master shall state the Name of any Port at which any Goods have been laden, and shall produce a Certificate from the Searcher that the Cockets for such Goods have been delivered to him; and the Particulars of such Account shall be written and arranged in such Form and Manner as the Collector and Comptroller shall require; and such Account shall be the Entry Outwards of such Ship, and shall be entered in a Book to be kept by the Collector for the Information of all Parties interested; and if any Goods be taken on board any Ship before she shall have been entered Outwards, the Master shall forfeit the Sum of One hundred Pounds: Provided always, that where it shall become necessary to lade any heavy Goods on board any Ship before the whole of the Inward Cargo is discharged, it shall be lawful for the Collector and Comptroller to issue a Stiffning Order for that Purpose, previous to the Entry Outwards of the Ship.

Penalty.

Stiffning Order.

Entry of Goods.

—

Bill of the Entry to be delivered.

Particulars.

LXX. And be it enacted, That the Person entering Outwards any Goods to be exported to Parts beyond the Seas from any Port in the United Kingdom or in the *Isle of Man* shall deliver to the Collector or Comptroller a Bill of the Entry thereof, fairly written, or fairly written in part and fairly printed in part, in Words at Length, expressing the Name of the Ship and of the Master, and of the Place to which the Goods are to be exported, and of the Person in whose Name the Goods are to be entered, and the Quantities and proper Denominations or Descriptions of the several Sorts of Goods, and

shall pay down any Duties which may be due upon the Exportation of any such Goods; and such Person shall also deliver at the same Time One or more Duplicates of such Bill, in which all Sums and Numbers may be expressed in Figures; and the Particulars to be contained in such Bill shall be arranged in such Form and Manner, and the Number of such Duplicates shall be such as the Collector and Comptroller shall require; and thereupon the Collector and Comptroller shall cause a Cocket to be written for such Goods, making it known that such Goods have been so entered; and every Cocket shall be signed by such Collector and Comptroller, and be delivered to the Person who shall have made such Entry, and such Person shall keep and be responsible for the proper Use of the same.

Payment of Duties.

Cocket to be granted.

Person entering Goods responsible for Use of Cocket.

LXXI. And be it enacted, That if any Drawback or Bounty be allowable upon the Exportation of any such Goods, or any Duty be payable thereon, or any Exemption from Duty claimed, or if any such Goods be exportable only according to some particular Rule or Regulation, or under some Restriction or Condition, or for some particular Purpose or Destination, such Goods shall be entered and cleared for Shipment by such Denominations or Descriptions as are used, mentioned, or referred to in the granting of such Drawback or Bounty, or in the levying of such Duty, or granting such Exemption, or in the directing of such Rules, Regulations, Restrictions, Conditions, Purpose, or Destination.

Goods for Drawback or Bounty.

Duty Goods.

Goods under Restriction.

LXXII. And be it enacted, That the Person intending to enter Outwards any Foreign Goods for Drawback, at any other Port than that at which the Duties Inwards on such Goods had been paid, shall first deliver to the Collector or Comptroller of the Port where the Duties on such Goods were paid Two or more Bills, as the Case may require, of the Particulars of the Importation of such Goods, and of the Entry Outwards intended to be made; and thereupon the Collector and Comptroller, finding such Bills to agree with the Entry Inwards, shall write off such Goods from the same, and shall issue a Certificate of such Entry, with such Particulars thereof as shall be necessary for the Computation of the Drawback allowable on such Goods, and setting forth in such Certificate the Destination of the Goods, and the Person in whose Name they are to be entered for Exportation, and also the Name of such other Port; and such Certificate, together with Two or more Bills of the same, as the Case may require, in which all Sums and Numbers may be expressed in Figures, being delivered to the Collector or Comptroller of the Port from which the Goods are to be exported, shall be the Entry Outwards of such Goods; and such Collector and Comptroller shall thereupon cause a Cocket to be written and delivered for such Goods, in manner hereinbefore directed.

Manner of Entry, for Drawback, or from Warehouse.

LXXIII. And be it enacted, That no Drawback shall be allowed on any Tobacco which shall not have been wholly manufactured from Tobacco on which the full Duty on Importation shall have been paid, nor on any Tobacco which shall be mixed with Dirt or Rubbish or any other Ingredients; and every Person who shall enter or ship, or cause to be entered or shipped, or produce or cause to be produced to any Officer

No Drawback on Tobacco not properly manufactured; and Penalty on Persons frau-

dulently attempting to obtain Drawback.

Officer of Customs to be shipped, for Exportation or for Stores, any Tobacco not entitled to Drawback, with Intent unduly to obtain any Drawback thereon, or any greater Drawback than he would otherwise be entitled to, shall, over and above all other Penalties which he may thereby incur, forfeit Treble the Amount of the Drawback sought to be obtained, or Two hundred Pounds, at the Election of the Commissioners of Customs; and all such Tobacco shall be forfeited, and may be seized by any Officer of Customs or Excise.

Goods not entitled to Drawback if of less Value than claimed.

Penalty for Entry of such Goods.

LXXIV. And be it enacted, That no Drawback shall be allowed upon the Exportation of any Goods entered for Drawback or as Stores which shall be of less Value than the Amount of the Drawback claimed, and that all such Goods so entered shall be forfeited, and that the Person who caused such Goods to be entered shall forfeit the Sum of Two hundred Pounds, or Treble the Amount of the Drawback claimed in such Case, at the Election of the Commissioners of Her Majesty's Customs.

On Entry Outwards of Goods entitled to Drawback, Bond for due exporting shall be given.

LXXV. And be it enacted, That upon the Entry Outwards of any Goods, except Wine, upon which a Drawback of the Duties paid upon the Importation thereof is allowed, and before Cocket is granted, the Person in whose Name the same are entered shall give Security by Bond in Double the Amount of such Duties, with One sufficient Surety, that such Goods shall be duly shipped and exported to and shall be landed at the Place for which they shall be entered Outwards, or otherwise accounted for to the Satisfaction of the Commissioners of Her Majesty's Customs, within a reasonable Time, to be fixed by the said Commissioners with reference to the Place of Exportation.

Stamp on Plate Bond reduced.

LXXVI. And be it enacted, That all Bonds given to prevent the relanding of Plate in respect of which any Drawback shall be allowed upon the Exportation thereof shall be liable only to the same Duties of Stamps as any Bonds given for or in respect of the Duties of Customs, or for preventing Frauds or Evasions thereof, are or shall be liable to under any Act for the Time being in force for granting Duties of Stamps.

Coals, Export Bond to British Possessions.

LXXVII. And be it enacted, That no Cocket shall be granted for the Exportation of any Coals to any *British* Possession in a Foreign Ship until the Exporter thereof shall have given Security by Bond in a penal Sum of Double the Amount of the Duty payable on the Exportation of such Coals, with Condition that the same shall be landed at the Place for which they shall be exported, or otherwise accounted for to the Satisfaction of the Commissioners of the Customs, and also with Condition to produce, within such Time as the said Commissioners shall require, to be expressed in such Bond, a Certificate of the landing of such Coals at such Place, under the Hand of the Collector or Comptroller or other proper Officer at such Place: Provided always, that the Bond so to be given in respect of Coals shall not be liable to any Duty of Stamps.

LXXVIII. And

Clearance of Goods.

LXXVIII. And be it enacted, That before any Part of the Goods for which any Cocket shall have been granted shall be shipped, or waterborne to be shipped, the same shall be duly cleared for Shipment with the Searcher; the Particulars of the Goods for each Clearance shall be endorsed on such Cocket, together with the Number and Denomination or Description of the respective Packages containing the same; and in the Margin of each such Endorsement shall be delineated the respective Marks and Numbers of such Packages; and to each such Endorsement shall be subjoined in Words at Length an Account of the total Quantities of each Sort of Goods intended in such Endorsement, and the total Number of each Sort of Package in which such Goods are contained, distinguishing such Goods, if any, as are to be cleared for any Bounty or Drawback of Excise or Customs, and also such Goods, if any, as are subject to any Duty on Exportation, or entitled to any Exemption from such Duty, and also such Goods, if any, as can only be exported by virtue of some particular Order or Authority, or under some particular Restriction or Condition, or for some particular Purpose or Destination; and all Goods shipped, or waterborne to be shipped, not being duly cleared as aforesaid, shall be forfeited.

Packages to be endorsed on Cocket.

Marks and Numbers, and total Quantities.

Bounty, Drawback, or Duty Goods, or Goods under particular Conditions.

Goods not cleared forfeited.

Production of Cocket:

Shipping Bill:

Order of Searcher for Shipment.

LXXIX. And be it enacted, That the Person clearing such Goods for Shipment shall upon each Occasion produce the Cocket so endorsed to the Searcher, and shall also deliver a Shipping Bill, or Copy of such Endorsement, referring by Names and Date to the Cocket upon which such Endorsement is made, and shall obtain the Order of the Searcher for the Shipment of such Goods; and the Particulars to be contained in such Endorsement and in such Shipping Bill shall be written and arranged in such Form and Manner as the Collector and Comptroller shall require.

Coals brought Coastwise may be exported without landing.

LXXX. And be it enacted, That if any Coals shall have been brought Coastwise from one Port of the United Kingdom to another, and the Master shall be minded to proceed with such Coals or any Part of them to Parts beyond the Seas, it shall be lawful for such Master to enter such Ship and such Coals Outwards for the intended Voyage without first landing the Coals intended for Exportation, provided the Officers of the Customs shall be satisfied that the Quantity of Coals left on board does not exceed the Quantity so entered Outwards.

Account of Value of Exports to be delivered to the Searcher.

LXXXI. And be it enacted, That upon the Clearance for Shipment of any Goods the Produce or Manufacture of the United Kingdom an Account containing an accurate Specification of the Quantity, Quality, and Value of such Goods, together with a Declaration to the Truth of the same, signed by the Exporter or his known Agent, shall be delivered to the Searcher by the Person clearing such Goods; and if such Declaration be false the Person signing the same shall forfeit the Sum of Twenty Pounds; and that it shall be lawful for the Searcher to call for the Invoice, Bills of Parcels, and such other Documents relating to the Goods as he may think necessary for ascertaining the true Value of the same: Provided always, that if such Exporter or Agent shall make and subscribe a

OUTWARDS. *Clearance of Goods.* Declaration before the Collector or Comptroller, that the Value of the Goods cannot be ascertained in Time for the Shipment of the same, and such Declaration shall be delivered to the Searcher at the Time of Clearance, a further Time of Three Months shall be allowed for the Delivery of such separate Shipping Bill, on failure whereof such Exporter or Agent shall forfeit the Sum of Twenty Pounds.

Goods for Excise Drawback. Notice to Officer of Excise. Excise Order to Searcher. Shipment certified.

LXXXII. And be it enacted, That no Drawback of Excise shall be allowed upon any Goods so cleared unless the Person intending to claim such Drawback shall have given due Notice to the Officer of Excise, in form and manner required by any Law in force relating to the Excise, and shall have obtained and have produced to the Searcher at the Time of clearing such Goods a proper Document under the Hand of the Officer of Excise, containing the necessary Description of the Goods for which such Drawback is to be claimed; and if the Goods to be cleared and shipped under the Care of the Searchers shall, upon Examination, be found to correspond in all respects with the Particulars of the Goods contained in such Document, and such Goods shall be duly shipped and exported, the Searcher shall, if required, certify such Shipment upon such Document, and shall transmit the same to the Officer of Excise.

Officer of Excise may attend Examination.

LXXXIII. And be it enacted, That it shall be lawful for the Officer of Excise, if he see fit, to attend and assist at such Examination, and to mark or seal the Packages, and to keep joint Charge of the same, together with the Searcher, until the same shall have been finally delivered by him into the sole Charge of the Searcher, to be shipped and exported under his Care.

Goods for Duty, Bounty, or Drawback, &c. brought for Shipment.

LXXXIV. And be it enacted, That if any Goods which are subject to any Duty or Restriction in respect of Exportation, or if any Goods which are to be shipped for any Drawback or Bounty shall be brought to any Quay, Wharf, or other Place, to be shipped for Exportation, and such Goods shall not agree with the Endorsement on the Cocket, or with the Shipping Bill, the same shall be forfeited; and if any Goods prohibited to be exported be found in any Package brought as aforesaid, such Package and every thing contained therein shall be forfeited.

Searcher may open any Package; but if correct, must repack.

LXXXV. And be it enacted, That it shall be lawful for the Searcher to open all Packages, and fully to examine all Goods shipped or brought for Shipment at any Place in the United Kingdom or in the *Isle of Man*; and if the Goods so examined shall be found to correspond in all respects with the Cocket and Clearance purporting to be for the same, such Goods shall be repacked at the Charge of such Searcher, who may be allowed such Charge by the Commissioners of the Customs, if they shall see fit so to do.

Clearance of Ship. Content to be delivered to Searcher. Particulars.

LXXXVI. And be it enacted, That before any Ship shall be cleared Outwards at any Port in the United Kingdom or in the *Isle of Man*, for Parts beyond the Seas, with any Goods shipped on board the same in such Port, the Master shall deliver a Content of such Ship to the Searcher, setting forth the Name and Tonnage of

OUTWARDS.

Clearance of Ship.

of such Ship, and the Place or Places of her Destination, and the Name of the Master, and also an Account of the Goods shipped on board, and of the Packages containing such Goods, and of the Marks and Numbers upon such Packages, and a like Account of the Goods on board, if any, which had been reported Inwards for Exportation in such Ship, so far as any of such Particulars can be known by him; and also, before the Clearance of such Ship, the Cockets, with the Endorsements and Clearances thereon for the Goods shipped, shall be finally delivered by the respective Shippers of such Goods to the Searcher, who shall file the same together, and shall attach with a Seal a Label to the File, showing the Number of Cockets contained in the File, and shall compare the Particulars of the Goods in the Cockets with the Particulars of the Goods in such Content, and shall attest the Correctness thereof by his Signature on the Label and on the Content; and the Master of the Ship shall make and sign a Declaration before the Collector or Comptroller to the Truth of such Content, and shall also answer to the Collector or Comptroller such Questions concerning the Ship, the Cargo, and the intended Voyage, as shall be demanded of him; and thereupon the Collector or Comptroller shall clear such Ship for her intended Voyage, and shall notify such Clearance and the Date thereof upon the Content, and upon the Label to the File of Cockets, and upon the Victualling Bill, and also in the Book of Ships Entries Outwards, for the Information of all Parties interested, and shall transmit the Content, and the Cockets, and the Victualling Bill to the Searcher; and the Particulars to be contained in such Content shall be written and arranged in such Form and Manner as the Collector and Comptroller shall require.

Cockets to be delivered by Shippers to Searcher to be filed.

Master to declare to Content.

Clearance notified on Content, on File, and on Victualling Bill, and in Book.

LXXXVII. And be it enacted, That the File of Cockets and the Victualling Bill shall thereupon be delivered by the Searcher to the Master of such Ship, at such Station within the Port and in such Manner as shall be appointed by the Commissioners of Her Majesty's Customs for that Purpose; and such File of Cockets and Victualling Bill, so delivered, shall be kept by the Master of such Ship as the Authority for departing from the Port with the several Parcels and Packages of Goods and of Stores on board, so far as they shall agree with the Particulars in the Endorsements on such Cockets or with such Victualling Bill.

File of Cockets and Victualling Bill delivered to Master as the Clearance.

LXXXVIII. And be it enacted, That if any Ship is to depart in Ballast from the United Kingdom or from the *Isle of Man* for Parts beyond the Seas, having no Goods on board except the Stores of such Ship borne upon the Victualling Bill, or any Goods reported Inwards for Exportation in such Ship, the Master of such Ship shall, before her Departure, answer to the Collector or Comptroller such Questions touching her Departure and Destination as shall be demanded of him; and thereupon the Collector or Comptroller shall clear such Ship in Ballast, and shall notify such Clearance and the Date thereof on the Victualling Bill, and also in the Book of Ships Entries Outwards, for the Information of all Parties interested; and such Victualling Bill shall be kept by the Master of such Ship as the Clearance of the same.

In Ballast.

Master to answer Questions.

Clearance notified on Victualling Bill and in Book.

LXXXIX. And

Slate and Slates and Chalk to be deemed Ballast.

LXXXIX. And be it enacted, That Slate and Slates and Chalk laden on board any Ship bound to Foreign Parts shall be deemed to be Ballast; and that every such Ship having on board Slate and Slates and Chalk only, or either of them, shall be deemed to be a Ship departing in Ballast; and if on the Return of any such Ship any Slate or Slates or Chalk shall be remaining on board, the same shall be deemed to be the Ballast of such Ship.

Part of former Cargo reported for Exportation.

Copy of Report to be the Clearance.

XC. And be it enacted, That if there be on board any Ship any Goods of the Inward Cargo which were reported for Exportation in the same, the Master shall, before Clearance Outwards of such Ship from any Port in the United Kingdom or in the *Isle of Man*, deliver to the Searcher a Copy of the Report Inwards of such Goods, certified by the Collector and Comptroller; and such Copy, being found to correspond with the Goods so remaining on board, shall be the Authority to the Searcher to pass such Ship with such Goods on board, and being signed by the Searcher, and filed with the Cockets, shall be the Clearance of the Ship for those Goods.

If any Passengers, Master may enter Baggage in his Name.

Ship with Baggage only deemed to be in Ballast.

XCI. And be it enacted, That if any Passengers are to depart in any Ship from the United Kingdom or from the *Isle of Man* for Parts beyond the Seas, it shall be lawful for the Master of such Ship to pass an Entry and to receive a Cocket in his Name for the necessary personal Baggage of all such Passengers, and duly to clear such Baggage for Shipment in their Behalf, stating in such Clearances the Particulars of the Packages and the Names of the respective Passengers; and if such Ship is to take no other Goods than the necessary personal Baggage of Passengers actually going the Voyage, it shall be lawful for such Master to enter such Ship Outwards in Ballast for Passengers only; and if no other Goods than such Baggage duly entered and cleared be taken on board such Ship, the same shall be deemed to be a Ship in Ballast, notwithstanding such Baggage, and shall be described in the Clearance, on the Content and on the Label to the Cocket or Cockets, and on the Victualling Bill and in the Book of Ships Entries, as a Ship cleared in Ballast, except as to the necessary personal Baggage of Passengers going the Voyage.

In Ballast, Master may enter Goods for private Use of Self and Crew.

Privilege; 20*l.* Master, 10*l.* Mate, 5*l.* Crew.

Master to clear the Goods.

XCII. And be it enacted, That if the Master and Crew of any Foreign Ship which is to depart in Ballast from the United Kingdom for Parts beyond the Seas shall be desirous to take on board Chalk Rubbish by way of Ballast, or to take with them for their private Use any small Quantities of Goods of *British* Manufacture, it shall be lawful for such Master, without entering such Ship Outwards, to pass an Entry in his Name, and receive a Cocket free of any Export Duty for all such Goods, under the general Denomination of *British* Manufactures not prohibited to be exported, being for the Use and Privilege of the Master and Crew, and not being of greater Value than in the Proportion of Twenty Pounds for the Master, and Ten Pounds for the Mate, and Five Pounds for each of the Crew, and stating that the Ship is in Ballast; and the Master shall duly clear such Goods for Shipment on behalf of himself and Crew, stating in such Clearances the Particulars of the Goods and Packages, and the Names of the Crew who shall jointly or severally take any of such

Goods under this Privilege; and such Ship shall be deemed to be a Ship in Ballast, and be cleared as such, and without a Content, notwithstanding such Goods or such Cocket or Cockets; and such Clearance shall be notified by the Collector or Comptroller on the Label to the Cocket or Cockets, and on the Victualling Bill, and in the Book of Ships Entries, as a Clearance in Ballast, except as to the Privilege of the Master and Crew.

Ship to be deemed in Ballast.

XCIII. And be it enacted, That it shall be lawful for the Officers of the Customs to go on board any Ship after Clearance Outwards, within the Limits of any Port in the United Kingdom or in the *Isle of Man*, or within Four Leagues of the Coast thereof, and to demand the File of Cockets and the Victualling Bill, and if there be any Goods or Stores on board not contained in the Endorsements on the Cockets nor in the Victualling Bill, such Goods or Stores shall be forfeited; and if any Goods contained in such Endorsements be not on board, the Master shall forfeit the Sum of Twenty Pounds for every Package or Parcel of Goods contained in such Endorsements and not on board; and if any Cocket be at any Time falsified, the Person who shall have falsified the same, or who shall have wilfully used the same, shall forfeit the Sum of One hundred Pounds.

Officers may board any Ship after Clearance.

Goods on board, and not in Cocket, 20*l.* Penalty.

Cocket falsified, 100*l.* Penalty.

XCIV. And be it enacted, That every Ship departing from any Port in the United Kingdom or in the *Isle of Man* shall bring to at such Stations within the Port as shall be appointed by the Commissioners of Her Majesty's Customs for the landing of Officers from such Ships, or for further Examination previous to such Departure.

Ships to bring to at Stations.

XCV. And be it enacted, That no Drawback or Bounty shall be allowed upon the Exportation from the United Kingdom of any Goods unless such Goods shall have been entered in the Name of the Person who was the real Owner thereof at the Time of Entry and shipping, or of the Person who had actually purchased and shipped the same, in his own Name and at his own Liability and Risk, on Commission, according to the Practice of Merchants, and who was and shall have continued to be entitled in his own Right to such Drawback or Bounty, except in the Cases herein-after provided for.

Debenture Goods.

Entry in Name of real Owner, or of the Commission Merchant.

XCVI. And be it enacted, That such Owner or Commission Merchant shall make and subscribe a Declaration upon the Debenture that the Goods mentioned therein have been actually exported, and have not been re-landed, and are not intended to be re-landed in any Part of the United Kingdom, nor in the *Isle of Man*, (unless entered for the *Isle of Man*,) nor in the Islands of *Faro* or *Ferro*, and that he was the real Owner thereof at the Time of Entry and shipping, or that he had purchased and shipped the said Goods in his own Name and at his own Liability and Risk, on Commission, as the Case may be, and that he was and continued to be entitled to the Drawback or Bounty thereon in his own Right: Provided always, that if such Owner or Merchant shall not have purchased the Right to such Drawback or Bounty he shall

Declaration as to Exportation, and to Property, and Right to Drawback or Bounty.

If Drawback, &c. be not purchased,

Name of Person entitled to be declared.

shall declare under his Hand upon the Entry and upon the Debenture the Person who is entitled thereto, and the Name of such Person shall be stated in the Cocket and in the Debenture; and the Receipt of such Person on the Debenture shall be the Discharge for such Drawback or Bounty.

Agent may pass Entry and receive Drawback, and make the Declaration, and answer Questions for Owner not resident.

XCVII. And be it enacted, That if such Owner or Merchant shall be resident in some Part of the United Kingdom being more than Twenty Miles from the Custom House of the Port of Shipment, he may appoint any Person to be his Agent to make and pass his Entry, and to clear and ship his Goods, and to receive for him the Drawback or Bounty payable on his Debenture, if payable to him, provided the Name of such Agent and the Residence of such Owner or Merchant be subjoined to the Name of such Owner or Merchant in the Entry and in the Cocket for such Goods; and such Agent, being duly informed, shall make Declaration upon the Entry, if any be necessary, and also upon the Debenture, in behalf of such Owner or Merchant, to the Effect before required of such Owner or Merchant, and shall answer such Questions touching his Knowledge of the Exportation of such Goods and the Property therein, and of the Right to the Drawback or Bounty, as shall be demanded of him by the Collector or Comptroller; and if any such Goods be exported by any Corporation or Company trading by a Joint Stock it shall be lawful for them to appoint any Person to be their Agent for the like Purposes and with the like Powers to act in their Behalf.

Joint Stock Company.

Property of Persons abroad consigned here to an Agent, and exported by him on account of Owner.

XCVIII. And be it enacted, That if any Goods which are to be exported for Drawback be the Property of any Person residing abroad, having been consigned by the Owner thereof to some Person as his Agent residing in the United Kingdom, to be exported through the same to Parts beyond the Seas, by such Agent, upon account of such Owner, it shall be lawful for such Person (being the Consignee by whom and in whose Name the Duties Inwards on such Goods had been paid, or his legal Representative), in like Manner, as Agent for such Owner, to enter, clear, and ship such Goods for him, and upon like Conditions to receive for him the Drawback payable thereon.

Shipment within Three Years, and Payment within Two Years.

XCIX. And be it enacted, That no Drawback shall be allowed upon the Exportation of any Goods unless such Goods be shipped within Three Years after the Payment of the Duties Inwards thereon, and that no Debenture for any Drawback or Bounty allowed upon the Exportation of any Goods shall be paid after the Expiration of Two Years from the Date of the Shipment of such Goods.

Issuing and passing Debenture.

C. And be it enacted, That for the Purpose of computing and paying any Drawback or Bounty payable upon any Goods duly entered, shipped, and exported, a Debenture shall, in due Time after such Entry, be prepared by the Collector and Comptroller, certifying in the first instance the Entry Outwards of such Goods; and so soon as the same shall have been duly exported, and a Notice containing the Particulars of the Goods shall have been delivered by the Exporter to the Searcher, the Shipment and Exportation thereof shall be certified

certified to the Collector and Comptroller, upon such Debenture, by the Searcher, and the Debenture shall thereupon be computed and passed with all convenient Despatch, and be delivered to the Person entitled to receive the same. Outwards. *Debenture Goods.*

CI. And be it enacted, That no Drawback or Bounty shall be allowed for any Goods carried by Sea from the United Kingdom to the *Isle of Man* until a Certificate shall be produced from the Collector and Comptroller of the Customs of the *Isle of Man* of the due landing of such Goods. Certificate of landing in Isle of Man.

CII. And be it enacted, That no Goods cleared for Drawback or Bounty, or from the Warehouse, shall be carried or waterborne to be put on board any Ship for Exportation from the United Kingdom, by any Person, unless such Person shall be authorized for that Purpose by Licence under the Hands of the Commissioners of Her Majesty's Customs; and that, before granting such Licence, it shall be lawful for the said Commissioners to require such Security by Bond for the faithful and incorrupt Conduct of such Person as they shall deem necessary; and that after granting such Licence it shall be lawful for the said Commissioners to revoke the same, if the Person to whom the same shall have been granted shall be convicted of any Offence against the Laws relating to the Customs or Excise: Provided always, that all such Licences which shall be in force at the Time of the Commencement of this Act shall continue in force as if the same had been afterwards granted under the Authority of this Act. Licensed Lighterman only to ship Debenture or warehoused Goods. Commissioners may grant Licence, and require Bond. Licences in force.

CIII. And be it enacted, That if any Goods which have been taken from the Warehouse to be exported from the same, or any Goods which have been cleared to be exported for any Drawback or Bounty, shall not be duly exported to Parts beyond the Seas, or shall be re-landed in any Part of the United Kingdom, (such Goods not having been duly re-landed or discharged as short-shipped under the Care of the proper Officers,) or shall be landed in the Islands of *Faro* or *Ferro*, or shall be carried to any of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, (not having been duly entered, cleared, and shipped, to be exported or carried directly to such Islands,) the same shall be forfeited, together with the Ship from or by which the same had been so re-landed, landed, or carried, and any other Ship, Vessel, Boat, or Craft which may have been used in so re-landing, landing, or carrying such Goods; and any Person by whom or by whose Orders or Means such Goods shall have been so taken or cleared, or so re-landed, landed, or carried, shall forfeit a Sum equal to Treble the Value of such Goods. Warehouse or Debenture Goods not exported, or if re-landed, or carried to Guernsey, &c. without Entry, forfeited.

CIV. And be it enacted, That a Drawback of the whole of the Duties of Customs shall be allowed for Wine intended for the Consumption of Officers of Her Majesty's Navy, on board such of Her Majesty's Ships in actual Service as they shall serve in, not exceeding the Quantities of Wine, in any One Year, for the Use of such Officers, hereinafter respectively mentioned; (that is to say,) Drawback of Duties on Wine allowed for Officers in the Navy.

For

OUTWARDS.

Debenture Goods.

	Gallons.
For every Admiral - - - -	1,260
—— Vice-Admiral - - - -	1,050
—— Rear-Admiral - - - -	840
—— Captain of the First and Second Rate -	630
—— Captain of the Third, Fourth, and Fifth Rate - - - - -	420
—— Captain of an inferior Rate - -	210
—— Lieutenant, and other Commanding Officer, and for every Marine Officer - - - - -	105

Provided always, that such Wine be shipped only at one of the Ports herein-after mentioned; (that is to say,) *London*, *Liverpool*, *Rochester*, *Deal*, *Dovor*, *Portsmouth*, *Plymouth*, *Yarmouth*, *Falmouth*, *Belfast*, *Dublin*, *Cork*, *Leith*, or *Glasgow*.

Person entering such Wine for Drawback to declare the Name and Rank of Officer claiming the same.

CV. And be it enacted, That the Person entering such Wine, and claiming the Drawback for the same, shall state in the Entry and declare on the Debenture the Name of the Officer for whose Use such Wine is intended, and of the Ship in which he serves; and such Wine shall be delivered into the Charge of the Officers of the Customs at the Port of Shipment, to be secured in the Queen's Warehouse until the same shall be shipped under their Care; and such Officers having certified upon the Debenture the Receipt of the Wine into their Charge, the Debenture shall be computed and passed, and be delivered to the Person entitled to receive the same.

Officers leaving the Service, &c., such Wine permitted to be transferred to others.

CVI. And be it enacted, That if any such Officer shall leave the Service, or be removed to another Ship, it shall be lawful for the Officers of the Customs, at any of the Ports before mentioned, to permit the Transfer of any such Wine from one Officer to another, as Part of his Proportion, whether on board the same Ship or another, or the Transhipment from one Ship to another for the same Officer, or the re-landing and warehousing for future Re-shipment; and it shall also be lawful for the Officers of Customs at any Port to receive back the Duties for any of such Wine, and deliver the same for Home Use: Provided always, that if any of such Wine be not laden on board the Ship for which the same was intended, or be unladen from such Ship without Permission of the proper Officer of the Customs, the same shall be forfeited.

Pursers of Her Majesty's Ships of War may ship Tobacco for Use of Crew, free of Duty, on giving Bond.

CVII. And be it enacted, That it shall be lawful for the Purser of any of Her Majesty's Ships of War in actual Service to enter and ship at the Ports of *Rochester*, *Portsmouth*, or *Plymouth*, in the Proportions herein-after mentioned, any Tobacco there warehoused in his Name, or transferred into his Name, for the Use of the Ship in which he shall serve, provided such Purser shall deliver to the Collector or Comptroller of such Port a Certificate from the Captain of such Ship, stating the Name of the Purser and the Number of Men belonging to the Ship, and shall also give Bond, with One sufficient Surety, in Treble the Duties payable on the Tobacco, that no

no Part thereof shall be re-landed in the United Kingdom without Leave of the Officers of the Customs, or be landed in either of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*.

Debenture Goods.

Purser removed from One Ship to another may tranship Tobacco with Permission of Collector.

CVIII. And be it enacted, That if any Purser shall be removed from one Ship to another it shall be lawful for the Collector and Comptroller of the Port where such Ships shall be to permit the Transhipment of the Remains of any such Tobacco for the Use of such other Ship, upon due Entry of such Tobacco by such Purser, setting forth the Time when and the Port at which such Tobacco was first shipped; and if any such Ship shall be paid off it shall be lawful for the Collector and Comptroller of any Port where such Ship shall be paid off to permit the Remains of any such Tobacco to be landed, and to be entered by the Purser of such Ship, either for Payment of Duties or to be warehoused for the Term of Six Months, for the Supply of some other such Ship, in like Manner as any Tobacco may be warehoused and supplied at either of the Ports before mentioned, or for Payment of all Duties within such Six Months: Provided always, that all Tobacco warehoused for the Purpose of so supplying Her Majesty's Ships of War shall be subject to the Provisions of any Act in force relating to the warehousing of Tobacco generally, as far as the same are applicable, and are not expressly altered by any of the Provisions herein particularly made.

Limiting the Quantity of Tobacco.

CIX. And be it enacted, That no greater Quantity of such Tobacco shall be allowed to any Ship of War than Two Pounds by the Lunar Month for each of the Crew of such Ship, nor shall any greater Quantity be shipped at any One Time than sufficient to serve the Crew of such Ship for Six Months after such Rate of Allowance; and the Collector and Comptroller of the Port at or from which any such Tobacco shall be supplied to any such Ship, or landed from any such Ship, or transferred from one such Ship to another, shall transmit a particular Account thereof to the Commissioners of Her Majesty's Customs, in order that a general Account may be kept of all the Quantities supplied to and consumed on board each of such Ships under the Allowances before granted.

Times and Places for shipping Goods.

CX. And be it enacted, That no Goods shall be put off from any Wharf, Quay, or other Place, or shall be waterborne in order to be exported, but only on Days not being *Sundays* or Holidays, and in the Daytime; (that is to say,) from the First Day of *September* until the last Day of *March* betwixt Sun-rising and Sun-setting, and from the last Day of *March* until the First Day of *September* between the Hours of Seven of the Clock in the Morning and Four of the Clock in the Afternoon; nor shall any such Goods be then put off or waterborne for Exportation unless in the Presence or with the Authority of the proper Officer of the Customs, nor except from a legal Quay appointed by Her Majesty, or at some Wharf, Quay, or Place appointed by the Commissioners of Her Majesty's Customs for shipping of such Goods by Sufferance.

Penalty for exporting prohibited Goods.

CXI. And be it enacted, That if any Goods liable to Forfeiture for being shipped for Exportation shall be shipped and exported without

without Discovery by the Officers of the Customs, the Person or Persons who shall have caused such Goods to be exported shall forfeit Double the Value of such Goods.

Prohibitions.

Prohibitions and Restrictions, absolute or modified.

CXII. And be it enacted, That the several Sorts of Goods enumerated or described in the Table following (denominated "A Table of Prohibitions and Restrictions Outwards") shall be either absolutely prohibited to be exported from the United Kingdom, or shall be exported only under the Restrictions mentioned in such Table, according as the several Sorts of such Goods are respectively set forth therein; (that is to say,)

A TABLE OF PROHIBITIONS AND RESTRICTIONS OUTWARDS.

Clocks and Watches; *viz.*

—— any outward or inward Box, Case, or Dial Plate, if any Metal, without the Movement in or with every such Box, Case, or Dial Plate, made up fit for Use, with the Clock or Watch Maker's Name engraven thereon.

Lace; *viz.*

—— any Metal inferior to Silver which shall be spun, mixed, wrought, or set upon Silk, or which shall be gilt, or drawn into Wire, or flattened into Plate, and spun or woven, or wrought into or upon, or mixed with Lace, Fringe, Cord, Embroidery, Tambour Work, or Buttons, made in the Gold or Silver Lace Manufactory, or set upon Silk, or made into Bullion, Spangles, or Pearl, or any other Materials made in the Gold or Silver Lace Manufactory, or which shall imitate or be meant to imitate such Lace, Fringe, Cord, Embroidery, Tambour Work, or Buttons; nor shall any Person export any Copper, Brass, or other Metal which shall be silvered or drawn into Wire, or flattened into Plate, or made into Bullion, Spangles, or Pearl, or any other Materials used in the Gold or Silver Lace Manufactory, or in imitation of such Lace, Fringe, Cord, Embroidery, Tambour Work, or Buttons, or of any of the Materials used in making the same, and which shall hold more or bear a greater Proportion than Three Pennyweights of fine Silver to the Pound Avoirdupoise of such Copper, Brass, or other Metals.

—— any Metal inferior to Silver, whether gilt, silvered, stained, or coloured, or otherwise, which shall be worked up or mixed with Gold or Silver in any Manufacture of Lace, Fringe, Cord, Embroidery, Tambour Work, or Buttons.

A List of Goods which may be PROHIBITED to be EXPORTED by Proclamation or Order in Council.

Arms, Ammunition, and Gunpowder.

Ashes, Pot and Pearl.

Military Stores and Naval Stores, and any Articles (except Copper) which Her Majesty shall judge capable of being converted into or made useful in increasing the Quantity of Military or Naval Stores.

Provisions or any Sort of Victual which may be used as Food by Man.

And if any Goods shall be exported, or be waterborne to be exported, from the United Kingdom, contrary to any of the Prohibitions or Restrictions mentioned in such Table in respect of such Goods, the same shall be forfeited. Forfeiture.

COASTWISE.

General Provisions.

CXIII. And whereas it is necessary to make Regulations for the Coasting Trade of the United Kingdom and of the *Isle of Man*, and that the Officers of the Customs should have cognizance of all Ships carrying any Goods Coastwise from one Part of the United Kingdom to another Part of it, or to the *Isle of Man*, or from one Part of the *Isle of Man* to another Part of it, and of all Goods so carried, in order that such Trade may be confined to *British* Ships, and that all Duties levied Coastwise may be duly collected, and that the Laws for regulating the Importation and Exportation of Goods from and to Parts beyond the Seas may not be evaded; be it therefore enacted, That all Trade by Sea from any one Part of the United Kingdom to any other Part thereof, or to the *Isle of Man*, or from the *Isle of Man* to any Part of the United Kingdom, or from one Part of the *Isle of Man* to another Part thereof, shall be deemed to be a Coasting Trade, and all Ships while employed therein shall be deemed to be Coasting Ships; and that no Part of the United Kingdom or of the *Isle of Man*, however situated with regard to any other Part, shall be deemed in Law, with reference to each other, to be Parts beyond the Seas in any Matter relating to the Trade or Navigation or Revenue of this Realm: Provided always, that all Goods liable to Duty of Customs upon the Importation or bringing of them into the *Isle of Man*, when brought from the United Kingdom into the said Isle, and all Vessels bringing the same, shall be liable to the same Rules and Regulations as are required by Law in respect of Goods imported into the said Isle from Foreign Parts, and in respect of the Vessels bringing the same; and all Penalties and Forfeitures inflicted by Law for any Breach of the said Rules and Regulations shall attach upon all Goods so brought into the said Isle contrary to the said Rules and Regulations or any of them, and upon all Persons committing any Breach of any such Rule or Regulation; and such Penalties and Forfeitures may be recovered in the same Manner as any Penalty or Forfeiture may be recovered by any Act relating to the Customs.

All Trade by Sea from one Part of the United Kingdom to another, or to the Isle of Man, to be deemed Coastwise, and no Part to be deemed beyond the Seas.

Proviso for Dutiable Goods carried into the Isle of Man.

Lords of Treasury to regulate what shall be deemed trading by Sea under this Act.

CXIV. And whereas some Parts of the Coast of the United Kingdom may be so situated with regard to other neighbouring Parts thereof that Doubts may arise in some Cases whether the Passage between them by Water shall be deemed to be a Passage by Sea within the Meaning of this Act; and that in other Cases, although such Passage be by Sea, it may be unnecessary for the Purposes of this Act, or of any Act relating to the Customs to subject Ships passing between such Places to the Restraints of Coast Regulations; be it therefore enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to determine and direct in what Cases the Trade by Water from any Place on the Coast of the United Kingdom to another of the same shall or shall not

COASTWISE.

not be deemed a Trade by Sea within the Meaning of this Act or of any Act relating to the Customs.

Coasting Ship confined to coasting Voyage.

CXV. And be it enacted, That no Goods shall be carried in any Coasting Ship except such as shall be laden to be so carried at some Port or Place in the United Kingdom, or at some Port or Place in the *Isle of Man* respectively; and that no Goods shall be laden on board any Ship to be carried Coastwise until all Goods brought in such Ship from Parts beyond the Seas shall have been unladen; and that if any Goods shall be taken into or put out of any Coasting Ship at Sea or over the Sea, or if any Coasting Ship shall touch at any Place over the Sea, or deviate from her Voyage, unless forced by unavoidable Circumstances, or if the Master of any Coasting Ship which shall have touched at any Place over the Sea shall not declare the same in Writing under his Hand to the Collector or Comptroller at the Port in the United Kingdom or in the *Isle of Man* where such Ship shall afterwards first arrive, the Master of such Ship shall forfeit the Sum of Two hundred Pounds.

Before Goods be laden or unladen, Notice of Intention or of Arrival to be given, and proper Documents to issue.

CXVI. And be it enacted, That no Goods shall be laden on board any Ship in any Port or Place in the United Kingdom or in the *Isle of Man* to be carried Coastwise, nor having been brought Coastwise shall be unladen in any such Port or Place from any Ship, until due Notice in Writing, signed by the Master, shall have been given to the Collector or Comptroller, by the Master, Owner, Wharfinger, or Agent of such Ship, of the Intention to lade Goods on board the same to be so carried, or of the Arrival of such Ship with Goods so brought, (as the Case may be,) nor until proper Documents shall have been granted as herein-after directed for the lading or for the unlading of such Goods; and such Goods shall not be laden or unladen except at such Times and Places, and in such Manner, and by such Persons, and under the Care of such Officers, as s and are herein-after directed; and all Goods laden to be so carried, or brought to be so unladen, contrary hereto, shall be forfeited.

Particulars in Notice;

CXVII. And be it enacted, That in such Notice shall be stated the Name and Tonnage of the Ship, and the Name of the Port to which she belongs, and the Name of the Master, and the Name of the Port to which she is bound or from which she has arrived, and the Name or Description of the Wharf or Place at which her Lading is to be taken in or discharged (as the Case may be); and such Notice shall be signed by the Master, Owner, Wharfinger, or Agent of such Ship, and shall be entered in a Book to be kept by the Collector for the Information of all Parties interested; and every such Notice for the unlading of any Ship or Vessel shall be delivered within Twenty-four Hours after the Arrival of such Ship or Vessel, under a Penalty of Twenty Pounds, to be paid by the Master of such Ship or Vessel; and in every such Notice for the lading of any Ship or Vessel shall be stated the last Voyage on which such Ship or Vessel shall have arrived at such Port; and if such Voyage shall have been from Parts beyond the Seas there shall be produced with such Notice a Certificate from the proper Officer of the Discharge of all Goods (if any) brought

within Twenty-four Hours of Arrival for unlading; for lading, to state last Voyage and Clearance.

brought in such Ship, and of the due Clearance of such Ship or Vessel Inwards of such Voyage. COASTWISE.

From and to Ireland with certain Goods, the Master must attend to deliver Notice, &c.

CXVIII. And be it enacted, That upon the Arrival of any Coasting Ship at any Port in *Great Britain* from *Ireland*, or at any Port in *Ireland* from *Great Britain*, the Master of such Ship shall within Twenty-four Hours after such Arrival attend and deliver such Notice, signed by him, to the Collector or Comptroller; and if such Ship shall have on board any Goods subject on Arrival to any Duty of Excise, or any Goods which had been imported from Parts beyond the Seas, the Particulars of such Goods, with the Marks and Numbers of the Packages containing the same, shall be set forth in such Notice; and if there shall be no such Goods on board, then it shall be declared in such Notice that no such Goods are on board; and the Master shall also answer any Questions relating to the Voyage as shall be demanded of him by the Collector or Comptroller; and every Master who shall fail in due Time to deliver such Notice, and truly to answer such Questions, shall forfeit the Sum of One hundred Pounds. Penalty

After Notice given of lading Goods on board Coasting Ships, Collector may grant a general Sufferance.

Bond for certain Goods.

CXIX. And be it enacted, That when due Notice shall have been given to the Collector or Comptroller at the Port of lading of the Intention to lade Goods on board any Coasting Ship, such Collector or Comptroller shall grant a general Sufferance for the lading of Goods (without specifying the same) on board such Ship, at the Wharf or Place which shall be expressed in such Sufferance; and such Sufferance shall be a sufficient Authority for the lading of any Sort of Goods, except such (if any) as shall be expressly excepted therein: Provided always, that before any Sufferance be granted for any Goods prohibited to be exported the Master or Owner of any such Ship, or the Shipper of such Goods, shall give Bond, with One sufficient Surety, in Treble the Value of the Goods, that the same shall be landed at the Port for which such Sufferance is required, or shall be otherwise accounted for to the Satisfaction of the Commissioners of Her Majesty's Customs.

Master of Coasting Vessel to keep a Cargo Book.

CXX. And be it enacted, That the Master of every Coasting Ship shall keep or cause to be kept a Cargo Book of the same, stating the Name of the Ship and of the Master, and of the Port to which she belongs, and of the Port to which bound on each Voyage; and in which Book shall be entered, at the Port of lading, an Account of all Goods taken on board such Ship, stating the Descriptions of the Packages, and the Quantities and Descriptions of the Goods therein, and the Quantities and Descriptions of any Goods stowed loose, and the Names of the respective Shippers and Consignees, as far as any of such Particulars shall be known to him; and in which Book, at the Port of Discharge, shall be noted the respective Days upon which any of such Goods be delivered out of such Ship, and also the respective Times of Departure from the Port of lading, and of Arrival at any Port of unlading; and such Master shall produce such Book for the Inspection of the Coast-waiter or other proper Officer, so often as the same shall be demanded, and who shall be at liberty to make any Note or Remark therein; and if such Master

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shall fail correctly to keep such Book, or to produce the same, or if at any Time there be found on board such Ship any Goods not entered in the Cargo Book as laden, or any Goods noted as delivered, or if at any Time it be found that any Goods entered as laden, or any Goods not noted as delivered, be not on board, the Master of such Ship shall forfeit the Sum of Fifty Pounds; and if, upon Examination at the Port of lading, any Package entered in the Cargo Book as containing any Foreign Goods shall be found not to contain such Goods, such Package, with its Contents, shall be forfeited; and if at the Port of Discharge any shall be found to contain any Foreign Goods which are not entered in such Book, such Goods shall be forfeited.

Penalty for false Entries in such Book.

Accounts of Foreign Goods, and of Goods subject to Coast Duty, to be delivered to Collector.

CXXI. And be it enacted, That before any Coasting Ship shall depart from the Port of lading, an Account, together with a Duplicate of the same, all fairly written, and signed by the Master, shall be delivered to the Collector or Comptroller; and in such Account shall be set forth such Particulars as are required to be entered in the Cargo Book of all Foreign Goods, and of all Corn, Grain, Meal, Flour, or Malt laden on board, and generally, whether any other *British* Goods or no other *British* Goods be laden on board, as the Case may be, or whether such Ship be wholly laden with *British* Goods not being of any of the Descriptions before mentioned, as the Case may be; and the Collector or Comptroller shall select and retain one of such Accounts, and shall return the other, dated and signed by him, and noting the Clearance of the Ship thereon; and such Account shall be the Clearance of the Ship for the Voyage, and the Transire for the Goods expressed therein; and if any such Account be false, or shall not correspond with the Cargo Book, the Master shall forfeit the Sum of Fifty Pounds.

Transire to be delivered to Collector before Goods unladen.

CXXII. And be it enacted, That before any Goods be unladen from any Coasting Ship at the Port of Discharge, the Master, Owner, Wharfinger, or Agent of such Ship shall deliver the Transire to the Collector or Comptroller of such Port, who shall thereupon grant an Order for the unlading of such Ship at the Wharf or Place specified in such Order: Provided always, that if any of the Goods on board such Ship be subject to any Duty of Customs or Excise payable on Arrival Coastwise at such Port, the Master, Owner, Wharfinger, or Agent of such Ship, or the Consignee of such Goods, shall also deliver to the Collector or Comptroller a Bill of the Entry of the Particulars of such Goods, expressed in Words at Length, together with a Copy thereof, in which all Sums and Numbers may be expressed in Figures, and shall pay down all Duties of Customs, or produce a Permit in respect of all Duties of Excise, which shall be due and payable on any of such Goods, as the Case may be; and thereupon the Collector and Comptroller shall grant an Order for the landing of such Goods, in the Presence or by the Authority of the Coast Waiter.

Excise Duties.

Collector, in certain Cases, may grant general Transire for

CXXIII. And be it enacted, That it shall be lawful for the Collector and Comptroller, in the Cases herein-after mentioned, to grant for any Coasting Ship a general Transire, to continue in force for any Time not exceeding One Year from the Date thereof, for the lading

of any Goods (except such Goods, if any, as shall be expressly excepted therein), and for the Clearance of the Ship in which the Goods shall be laden, and for the unlading of the Goods at the Place of Discharge; (that is to say,) Coasting Vessels.

For any Ship regularly trading between Places in the River *Severn* Eastward of the *Holmes*:

For any Ship regularly trading between Places in the River *Humber*:

For any Ship regularly trading between Places in the *Firth of Forth*:

For any Ship regularly trading between Places to be named in the Transire, and carrying only Manure, Lime, Chalk, Stone, Gravel, Sand, or any Earth, not being Fullers Earth:

And that it shall and may be lawful for the Commissioners of Her Majesty's Customs, whenever it shall appear to them to be necessary, to grant general Transires, under such Regulations and for such Time as they may see fit, for the lading of any Goods, and for the clearing the Ship in which the Goods shall be laden, and for the unlading the Goods at the Place of Discharge: Provided always, that such Transires shall be written in the Cargo Book herein-before required to be kept by the Masters of Coasting Ships: Provided also, that if the said Commissioners or the Collector and Comptroller shall at any Time revoke such Transires, and Notice thereof shall be given to the Master or Owner of the Ship, or shall be given to any of the Crew when on board the Ship, or shall be entered in the Cargo Book by any Officer of the Customs, such Transires shall become void, and shall be delivered up by the Master or Owner to the Collector or Comptroller, or to any Officer of Customs demanding the same. Commissioners of Customs may grant general Transires.

CXXIV. And be it enacted, That it shall be lawful in any Case, and at all legal Times, for the Coast-waiter, and also for the Landing-waiter, and for the Searcher, and for any other proper Officer of the Customs, to go on board any Coasting Ship in any Port or Place in the United Kingdom or in the *Isle of Man*, or at any Period of her Voyage, and strictly to search such Ship, and to examine all Goods on board, and all Goods being laden or unladen, and to demand all Documents which ought to be on board such Ship. Coast-waiter, Landing-waiter, or Searcher may go on board and examine any Coasting Ship.

CXXV. And be it enacted, That no Goods shall be unshipped from any Ship arriving Coastwise in the United Kingdom or in the *Isle of Man*, and also that no Goods shall be shipped, or waterborne to be shipped, in the United Kingdom or in the *Isle of Man*, to be carried Coastwise, but only on Days not being *Sundays* or Holidays, and in the Daytime, (that is to say,) from the First Day of *September* until the last Day of *March* betwixt Sun-rising and Sun-setting, and from the last Day of *March* until the First Day of *September* between the Hours of Seven of the Clock in the Morning and Four of the Clock in the Afternoon; nor shall any such Goods be so unshipped, shipped, or waterborne unless in the Presence or with the Authority of the proper Officer of the Customs, nor unless at Places which shall be appointed or approved by the proper Officer of the Customs. Times and Places for landing and shipping.

CXXVI. And

Goods prohibited or restrained.

CXXVI. And be it enacted, That whenever any Goods which may be prohibited to be exported by Proclamation or by Order in Council, under the Authority of this Act, shall be so prohibited, it shall be lawful in such Proclamation or Order in Council to prohibit or restrict the carrying of such Goods Coastwise; and if any such Goods shall be carried Coastwise, or shall be shipped or waterborne to be carried Coastwise, contrary to any such Prohibition or Restriction, the same shall be forfeited.

CONSTRUCTION IN GENERAL.

Terms used in Acts.

CXXVII. And in order to avoid the frequent Use of numerous Terms and Expressions in this Act, and in other Acts relating to the Customs, and to prevent any Misconstruction of the Terms and Expressions used therein, be it enacted, That whenever the several Terms or Expressions following shall occur in this Act, or in any other Act relating to the Customs or to Trade and Navigation, the same shall be construed respectively in the Manner herein-after directed; (that is to say,) the Term "Ship" shall be construed to mean Ship or Vessel generally, unless such Term shall be used to distinguish a Ship from Sloops, Brigantines, and other Classes of Vessels; that the Term "Master" of any Ship shall be construed to mean the Person having or taking the Charge or Command of such Ship; that the Term "Owners" and the Term "Owner" of any Ship shall be construed alike to mean One Owner, if there be only One, and any or all the Owners, if there be more than One; that the Term "Mate" of any Ship shall be construed to mean the Person next in Command of such Ship to the Master thereof; that the Term "Seaman" shall be construed to mean alike Seaman, Mariner, Sailor, or Landsman, being one of the Crew of any Ship; that the Term "*British* Possession" shall be construed to mean Colony, Plantation, Island, Territory, or Settlement belonging to Her Majesty; that the Term "Her Majesty" shall be construed to mean Her Majesty, Her Heirs and Successors; that the Term "Limits of the *East India* Company's Charter" shall be construed to mean the *Cape of Good Hope*, and all Places and Seas Eastward thereof to the *Straits of Magellan*; that the Terms "Collector and Comptroller" shall be construed to mean the Collector and Comptroller of the Customs of the Port intended in the Sentence; that whenever mention is made of any public Officer the Officer mentioned shall be deemed to be such Officer for the Time being; that the Term "Warehouse" shall be construed to mean any Place, whether House, Shed, Yard, Timber Pond, or other Place in which Goods entered to be warehoused upon Importation may be lodged, kept, and secured without Payment of Duty, or although prohibited to be used in the United Kingdom; that the Term "Queen's Warehouse" shall be construed to mean any Place provided by the Crown for lodging Goods therein for Security of the Customs.

"Ship."

"Master."

"Owner or Owners."

"Mate."

"Seaman."

"British Possession."

"Her Majesty."

"Limits of East India Company's Charter."

"Collector and Comptroller."

"Officer."

"Warehouse."

"Queen's Warehouse."

Malta deemed to be in Europe.

CXXVIII. And be it enacted, That the Island of *Malta* and its Dependencies shall be deemed to be in *Europe*.

GENERAL REGULATIONS.

Weights, Measures,

CXXIX. And be it enacted, That all Duties, Bounties, and Drawbacks of Customs shall be paid and received in every Part of the United Kingdom and of the *Isle of Man* in *British* Currency, and according

according to Imperial Weights and Measures; and that in all Cases where such Duties, Bounties, and Drawbacks are imposed and allowed according to any specific Quantity or any specific Value, the same shall be deemed to apply in the same Proportion to any greater or less Quantity or Value; and all such Duties, Bounties, and Drawbacks shall be under the Management of the Commissioners of the Customs.

Collector to take Bonds in respect of Goods relating to the Customs.

CXXX. And be it enacted, That all Bonds relating to the Customs required to be given in respect of Goods or Ships, except Bonds given for securing the due Exportation of or Payment of Duty upon Goods warehoused according to Law, shall be taken by the Collector and Comptroller for the Use of Her Majesty; and after the Expiration of Three Years from the Date thereof, or from the Time, if any, limited therein for the Performance of the Condition thereof, every such Bond upon which no Prosecution or Suit shall have been commenced shall be void, and may be cancelled and destroyed.

Bonds entered into with the Concurrence of the Lords of the Treasury or the Commissioners of the Customs for the due Performance of any thing relating to the Customs to be valid in Law.

CXXXI. And whereas it frequently occurs that certain Indulgences are granted to Merchants and others, by Directions of the Commissioners of Her Majesty's Treasury and the Commissioners of Her Majesty's Customs, on Bond being given for the Security of the Revenue; and, as Doubts may arise whether such Bonds would in Law be valid, be it therefore enacted and declared, That in all Cases where Bonds shall be entered into, with the Concurrence or by the Direction of the Commissioners of Her Majesty's Treasury or the Commissioners of Her Majesty's Customs, for the due Performance of any Order, Matter, or Thing relative to the Customs, such Bonds shall be valid in Law, and upon Breach of any of the Conditions thereof may be sued and proceeded upon in like Manner as any other Bond entered into by virtue of any Act relating to the Customs.

Mode of ascertaining Strength of Foreign Spirits.

CXXXII. And be it enacted, That the same Instruments, and the same Tables and Scales of Graduation, and the same Rules and Methods, as the Officers of the Excise shall by any Law in force for the Time being be directed to use, adopt, and employ in trying and ascertaining the Strengths and Quantities of Spirits made within the United Kingdom, for the Purpose of computing and collecting the Duties of Excise payable thereon, shall be used, adopted, and employed by the Officers of the Customs in trying and ascertaining the Strengths and Quantities of Spirits imported into the United Kingdom, for the Purpose of computing and collecting the Duties of Customs payable thereon.

Vinegar or Acetous Acid to be charged with Duty according to Strength.

CXXXIII. And be it enacted, That, to prevent Vinegar or Acetous Acid of excessive Strength being brought into Consumption upon Payment of Duty as common Vinegar or Acetous Acid, to the great Injury of Her Majesty's Revenue, all such Liquors as aforesaid subject and liable to any Duty of Customs shall and may be tried and examined by any Officer or Officers of Customs with such Acetometer as shall and may be from Time to Time directed by the Commissioners of Her Majesty's Customs, in order to ascertain the Strength thereof; and that whenever any such Liquors shall upon

Currency, Management.

any such Trial be found by any Officer or Officers of Customs to be above Proof as denoted by such Acetometer (Proof of being such Strength of Acetous Acid that One hundred Parts of the Liquor by Weight will saturate or neutralize Fourteen and a Half Parts by Weight of Crystallized Sub-carbonate of Soda), the Number of Gallons of such Liquors of which such Trial is made shall be deemed and computed by such Officer or Officers to be such Number as could be made from or with such Liquors if diluted by Water to the Strength of Proof denoted as aforesaid, and shall be chargeable and taken account of and charged by such Officer with Duty accordingly.

Spirits, although mixed, to pay Duties as such.

CXXXIV. And be it enacted, That Spirits or Strong Waters imported into the United Kingdom mixed with any Ingredient, and although thereby coming under some other Denomination, shall nevertheless be deemed to be Spirits or Strong Waters, and be subject to Duty as such.

Officers of Customs to take Samples of Goods.

CXXXV. And be it enacted, That it shall be lawful for the Officers of the Customs to take such Samples of any Goods as shall be necessary for ascertaining the Amount of any Duties payable on the same; and all such Samples shall be disposed of and accounted for in such Manner as the Commissioners of Her Majesty's Customs shall direct.

Time of an Importation and of an Exportation defined.

CXXXVI. And be it enacted, That if upon the first levying or repealing of any Duty, or upon the first granting or repealing of any Drawback or Bounty, or upon the first permitting or prohibiting of any Importation or Exportation, whether Inwards, Outwards, or Coastwise, in the United Kingdom or in the *Isle of Man*, it shall become necessary to determine the precise Time at which an Importation or Exportation of any Goods made and completed shall be deemed to have had Effect, such Time, in respect of Importation or Exportation of any Goods made and completed, shall be deemed to be the Time at which the Ship importing such Goods had actually come within the Limits of the Port at which such Ship shall in due Course be reported, and such Goods be discharged; and that such Time, in respect of Exportation, shall be deemed to be the Time at which the Goods had been shipped on board the Ship in which they had been exported; and that if such Question shall arise upon the Arrival or Departure of any Ship, in respect of any Charge or Allowance upon such Ship, exclusive of any Cargo, the Time of such Arrival shall be deemed to be the Time at which the Report of such Ship shall have been or ought to have been made; and the Time of such Departure shall be deemed to be the Time of the last Clearance of such Ship with the Collector and Comptroller for the Voyage upon which she departed.

Arrival and Departure of a Ship defined.

Return of Duty overpaid.

CXXXVII. And be it enacted, That although any Duty of Customs shall have been overpaid, or although after any Duty of Customs shall have been charged and paid it shall appear or be judicially established that the same had been charged under an erroneous Construction of the Law, it shall not be lawful to return

any

any such Overcharge after the Expiration of Three Years from the Date of such Payment. GENERAL REGULATIONS.

Tonnage or Burden of Ships how ascertained.

CXXXVIII. And be it enacted, That the Tonnage or Burden of every *British* Ship within the Meaning of this Act shall be the Tonnage set forth in the Certificate of Registry of such Ship, and that the Tonnage or Burden of every other Ship shall, for the Purposes of this Act, be ascertained in the same Manner as the Tonnage of *British* Ships is ascertained.

Ships, when not liable to Tonnage Rate under 4 & 5 W. 4. c. 32.

CXXXIX. And whereas by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for reducing the Tonnage Rates payable in the Port of* London, certain Rates are imposed upon Ships or other Vessels entering Inwards and clearing Outwards in the Port of *London*, and it is expedient to amend the same in respect of Ships or other Vessels reporting their Cargoes for Exportation, and ultimately leaving the Port without breaking Bulk; be it therefore enacted, That no Tonnage Rate shall be payable under the said Act on Ships or other Vessels entering Inwards or clearing Outwards in the said Port in Cases where the Cargoes are reported for Exportation, and ultimately the Ships or other Vessels leave the Port without breaking Bulk, or taking in Merchandize for the Purpose of Exportation.

Officers may refuse Master of British Ship unless endorsed on Register.

CXL. And be it enacted, That it shall be lawful for the Officers of the Customs at any Port under *British* Dominion where there shall be a Collector and Comptroller of the Customs to refuse to admit any Person to do any Act at such Port as Master of any *British* Ship, unless his Name shall be inserted in or have been endorsed upon the Certificate of Registry of such Ship as being the Master thereof, or until his Name shall have been so endorsed by such Collector and Comptroller.

Falsifying Documents.

CXLI. And be it enacted, That if any Person shall counterfeit or falsify, or wilfully use when counterfeited or falsified, any Entry, Warrant, Cocket, or Transire, or other Document for the unlading, lading, entering, reporting, or clearing of any Ship or Vessel, or for the landing or shipping of any Goods, Stores, Baggage, or Article whatever, or shall by any false Statement procure any Writing or Document to be made for any of such Purposes, every Person so offending shall for every such Offence forfeit the Sum of Two hundred Pounds: Provided always, that this Penalty shall not attach to any particular Offence for which any other Penalty shall be expressly imposed by any Law in force for the Time being.

Authority of an Agent may be required.

CXLII. And be it enacted, That whenever any Person shall make any Application to any Officer of the Customs to transact any Business on behalf of any other Person, it shall be lawful for such Officer to require of the Person so applying to produce a written Authority from the Person on whose Behalf such Application shall be made, and in default of the Production of such Authority to refuse to transact such Business.

CXLIII. And

False Declaration.

CXLIII. And be it enacted, That if any Declaration required to be made by this Act, or by any other Act relating to the Customs or to Trade or Navigation, (except Declarations to the Value of Goods,) or if any Declaration made for the Consideration of the Commissioners of Her Majesty's Customs on any Application presented to them, be untrue in any Particular, or if any Person required by this Act, or by any other Act relating to the Customs or to Trade or Navigation, to answer Questions put to him by the Officers touching certain Matters, shall not truly answer such Questions, the Person making such Declaration or answering such Questions shall, over and above any other Penalty to which he may become subject, forfeit the Sum of One hundred Pounds.

Penalty.

Printed Lists of prohibited Books to be exposed at Custom Houses.

CXLIV. And be it enacted, That the Commissioners of Her Majesty's Customs shall cause to be made, and to be publicly exposed from Time to Time at the several Ports in the United Kingdom and in Her Majesty's Possessions abroad, printed Lists of all Books wherein the Copyright shall be subsisting, and as to which the Proprietor of such Copyright or his Agent shall have given Notice in Writing to the said Commissioners that such Copyright subsists, such Notice also stating when such Copyright expires.

So much of 9 G. 4. c. 93. as provides for taking the Prices of Sugar the Produce of British Possessions in America, &c., to apply to Sugar the Produce of British Possessions within the Limits of the East India Company's Charter.

CXLV. And whereas by an Act passed in the Ninth Year of His Majesty King *George* the Fourth, intituled *An Act to allow Sugar to be delivered out of the Warehouse to be refined*, Provisions are made for ascertaining and taking, in manner therein mentioned, the Prices of Brown or Muscovado Sugar the Produce of the *British* Possessions in *America*: And whereas it is expedient that the said Provisions should extend and be applicable to Brown or Muscovado Sugar the Produce of the *British* Possessions within the Limits of the *East India* Company's Charter; be it therefore enacted, That from and after the First Day of *August* One thousand eight hundred and forty-two so much of the said last-mentioned Act as provides for the ascertaining and taking the Prices of Brown or Muscovado Sugar the Produce of the *British* Possessions in *America*, and so much of the same Act as requires the Delivery of Accounts of the Sales and Purchases of such Sugar, and Statements of the Quantities and Prices thereof, and other Particulars therein mentioned in relation thereto, and the Computation and Publication of the Average Prices thereof, and the Registry of such Accounts and Prices, shall be held to extend, include, and apply to Brown or Muscovado Sugar the Produce of the several *British* Possessions within the Limits of the *East India* Company's Charter; and that the Average Price of Sugar to be thenceforth published under the said last-mentioned Act as hereby extended shall be the Average Price of Brown or Muscovado Sugar the Produce not only of the *British* Possessions in *America* but also of the *British* Possessions within the Limits of the *East India* Company's Charter; and the several Penalties of Fifty Pounds and of Five Pounds imposed by the said recited Act for the Offences therein mentioned in respect of Sugar the Produce of the *British* Possessions in *America* shall extend and be applicable to the like Offences in respect of Sugar the Produce of the *British* Possessions within the Limits of the *East India* Company's Charter.

CXLVI. And

General Regulations.

Seizures.

Ship to include Tackle, &c.

CXLVI. And be it enacted, That all Goods, and all Ships, Vessels, and Boats, which by this Act or any Act at any Time in force relating to the Customs shall be declared to be forfeited, shall and may be seized by any Officer of the Customs; and such Forfeiture of any Ship, Vessel, or Boat shall be deemed to include the Guns, Tackle, Apparel, and Furniture of the same; and such Forfeiture of any Goods shall be deemed to include the proper Package in which the same are contained.

Restoration of seized Goods, Ships, &c.

CXLVII. And be it enacted, That in case any Goods, Ships, Vessels, or Boats shall be seized as forfeited, or detained as under-valued, by virtue of any Act of Parliament relating to the Customs, it shall be lawful for the Commissioners of Her Majesty's Customs to order the same to be restored in such Manner and on such Terms and Conditions as they shall think fit to direct; and if the Proprietor of the same shall accept the Terms and Conditions prescribed by the said Commissioners, he shall not have or maintain any Action for Recompence or Damage on account of such Seizure or Detention; and the Person making such Seizure shall not proceed in any Manner for Condemnation.

Remission of Forfeitures and Penalties by Commissioners, on Proof of Innocence of Owners and Master.

CXLVIII. And be it enacted, That if any Ship shall have become liable to Forfeiture on account of any Goods laden therein or unladen therefrom, or if the Master of any Ship shall have become liable to any Penalties on account of any Goods laden in such Ship or unladen therefrom, and such Goods shall be small in Quantity or of trifling Value, and it shall be made appear to the Satisfaction of the Commissioners of Her Majesty's Customs that such Goods had been laden or unladen contrary to the Intention of the Owners of such Ship, or without the Privity of the Master thereof, as the Case may be, it shall be lawful for the said Commissioners to remit such Forfeiture, and also to remit or mitigate such Penalty, as they shall see reason to acquit such Master of all Blame in respect of such Offence, or more or less to attribute the Commission of such Offence to Neglect of Duty on his Part as Master of such Ship; and every Forfeiture and every Penalty, or Part thereof, so remitted, shall be null and void, and no Suit or Action shall be brought or maintained by any Person whatever on account thereof.

Ships not bringing to at Stations, Masters to forfeit 100*l.*

CXLIX. And be it enacted, That if any Ship coming up or departing out of any Port in the United Kingdom or in the *Isle of Man*, shall not bring to at the proper Stations in such Port appointed by the Commissioners of Her Majesty's Customs for the boarding or landing of Officers of the Customs, the Master of such Ship shall for every such Offence forfeit the Sum of One hundred Pounds.

Officers may be stationed in Ships in any Port.

Accommodation of Officers on board.

CL. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs, and for the Collector and Comptroller of any Port under their Directions, to station Officers on board any Ship while within the Limits of any Port in the United Kingdom or in the *Isle of Man*; and the Master of every Ship on board of which any Officer is so stationed shall provide every such Officer sufficient Room under the Deck, in some Part of the Forecastle or Steerage,

GENERAL REGULATIONS.

Steerage, for his Bed or Hammock, and in case of Neglect or Refusal so to do shall forfeit the Sum of One hundred Pounds.

Power to charge Rent in Queen's Warehouse.

CLI. And be it enacted, That whenever any Goods shall be taken to and secured in any of the Queen's Warehouses in the United Kingdom or in the *Isle of Man*, for Security of the Duties thereon, or to prevent the same from coming into Home Use, it shall and may be lawful for the Commissioners of Her Majesty's Customs to charge and demand and receive Warehouse Rent for such Goods for all such Time as the same shall remain in such Warehouse, at the same Rate as may be payable for the like Goods when warehoused in any Warehouse in which such Goods may be warehoused without Payment of Duty: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, or the Commissioners of Her Majesty's Customs, by Warrant or Order under their Hands respectively, from Time to Time to fix the Amount of Rent which shall be payable for any Goods secured in any of the Queen's Warehouses as aforesaid.

Power to sell Goods not cleared from Queen's Warehouse.

CLII. And be it enacted, That in case such Goods shall not be duly cleared from the Queen's Warehouse within Three Calendar Months (or sooner if they be of a perishable Nature), it shall be lawful for the Commissioners of Her Majesty's Customs to cause such Goods to be publicly sold by Auction, for Home Use or for Exportation (as the Case may be); and the Produce of such Sale shall be applied towards the Payment of the Duties, if sold for Home Use, and of the Warehouse Rent and all other Charges; and the Overplus (if any) shall be paid to the Person authorized to receive the same: Provided always, that it shall be lawful for the said Commissioners to cause any of such Goods to be destroyed as cannot be sold for a Sum sufficient to pay such Duties and Charges, if sold for Home Use, or sufficient to pay such Charges, if sold for Exportation: Provided also, that if such Goods shall have been landed by the Officers of the Customs, and the Freight of the same shall not have been paid, the Produce of such Sale shall be first applied to the Payment of such Freight.

Power for Her Majesty to appoint Ports and legal Quays.

CLIII. And be it enacted, That it shall be lawful for Her Majesty, by Her Commission out of the Court of Exchequer, from Time to Time to appoint any Port, Haven, or Creek in the United Kingdom or in the *Isle of Man*, and to set out the Limits thereof, and to appoint the proper Places within the same to be legal Quays for the lading and unlading of Goods, and to declare that any Place which had been set out as a legal Quay by such Authority shall be no longer a legal Quay, and to appoint any new Place within any Port to be a legal Quay for the lading and unlading of Goods: Provided always, that all Ports, Havens, and Creeks, and the respective Limits thereof, and all legal Quays appointed and set out and existing as such at the Commencement of this Act under any Law till then in force, shall continue to be such Ports, Havens, Creeks, Limits, and legal Quays respectively as if the same had been appointed and set out under the Authority of this Act.

CLIV. And

Averment of Offence.

CLIV. And be it enacted, That in any Information or other Proceeding for any Offence against any Act made or to be made relating to the Customs the Averment that such Offence was committed within the Limits of any Port shall be sufficient, without Proof of such Limits, unless the contrary be proved.

Commissioners may appoint Sufferance Wharfs.

CLV. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs from Time to Time, by any Order under their Hands, to appoint Places to be Sufferance Wharfs, for the lading and unlading of Goods by Sufferance, to be duly issued by them, or by the proper Officers under their Directions, in such Manner and in such Cases, as they shall see fit.

No Ships engaged in the Carriage of Letters to import or export Goods.

CLVI. And be it enacted, That no Ship or Boat appointed and employed ordinarily for the Carriage of Letters shall import or export any Goods without Permission of the Commissioners of Her Majesty's Customs, under the Penalty of the Forfeiture of One hundred Pounds, to be paid by the Master of such Ship or Boat.

Fitters Certificates.

CLVII. And be it enacted, That no Ship shall be cleared from any Port of the United Kingdom, either for a Coasting or a Foreign Voyage, laden with Coals or Coal, or Culm or Cinders, which had not been previously brought Coastwise into such Port, until the Fitter or Coal Owner, or his Agent, vending or shipping the same, shall have delivered to the Collector or Comptroller Two Certificates under his Hand, expressing the total Quantities of Coals, Culm, and Cinders respectively shipped or intended to be shipped by him in such Ship; and the Collector or Comptroller shall retain One of such Certificates, and shall deliver the other, signed by him, to the Master of the Ship; and every Fitter, Coal Owner, or Agent who shall refuse to give such Certificates, or shall give a false Certificate, shall forfeit and pay the Sum of One hundred Pounds; and the Master of such Ship shall keep such Certificate, and produce the same to any Officer of Customs demanding such Production, and shall before Bulk be broken deliver such Certificate to the Collector or Comptroller of any Port in the United Kingdom to which such Coals, Culm, or Cinders shall be carried in such Ship.

LICENSED AGENTS.

Persons entering or clearing Ships, &c. as Agents, to be licensed, and give Bond.

Exception.

CLVIII. And be it enacted, That it shall not be lawful for any Person to act as an Agent for transacting Business in the Port of *London* which shall relate to the Entry or Clearance of any Ship, or of any Goods, or of any Baggage, unless authorized so to do by Licence of the Commissioners of Her Majesty's Customs, who are hereby empowered to require Bond to be given by every Person to whom such Licence shall be granted, with One sufficient Surety, in the Sum of One thousand Pounds, for the faithful and incorrupt Conduct of such Person and of his Clerks acting for him: Provided always, that such Bond shall not be required of any Person who shall be One of the Sworn Brokers of the City of *London*: Provided also, that all Licences heretofore granted by the Commissioners of Her Majesty's Customs to any Persons to act as Agents shall be valid and effectual, and all Bonds taken for the faithful and incorrupt Conduct of such Persons shall be and are hereby declared to be and remain

Licensed Agents.

in full Force and Effect; and if any Person shall act as such Agent not being so licensed, or if any Person shall be in Partnership in such Agency with any Person not so licensed, such Person shall, in either Case, for every such Offence forfeit the Sum of One hundred Pounds.

Treasury may revoke Licence.

CLIX. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, by any Order under their Hands, to revoke any such Licence, or any Licence heretofore granted by the Commissioners of Customs to any Person to act as an Agent for transacting such Business at the Custom House in the Port of *London*, and that after a Copy of such Order shall have been delivered to such Person or to his Clerk, or left at his usual Place of Abode or Business, such Licence shall be void.

Not to extend to Clerks or Servants of Individuals.

CLX. Provided always, and be it enacted, That nothing herein contained shall extend to prevent the Clerk or Servant of any Person or of any Persons in Copartnership from transacting any such Business, on account of such Person or Persons, without such Licence, provided such Clerk or Servant shall not transact any such Business as Clerk, Servant, or Agent to any other Person.

Agent may appoint Clerks to act for him only.

CLXI. And be it enacted, That it shall be lawful for any such Agent or Agents in Copartnership to appoint any Person without Licence, to be his or their Clerk in transacting such Agency: Provided always, that no Person shall be admitted to be such Clerk to more than One Agent or Copartnership of Agents, nor until his Name and Residence and the Date of his Appointment shall have been endorsed on the Licence of every such Agent, and signed by him, and witnessed by the Signature of the Collector and Comptroller of the Customs, unless such Person shall have been appointed with Consent of the Commissioners of Her Majesty's Customs before the Commencement of this Act.

Treasury may extend Regulations to other Ports.

CLXII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, by their Warrant, to be published in the *London* or *Dublin Gazette*, to extend the Regulations herein-before made relating to Agents in the Port of *London* to Agents at any other Port in *Great Britain*, or at any Port in *Ireland*.

Alteration of Act.

CLXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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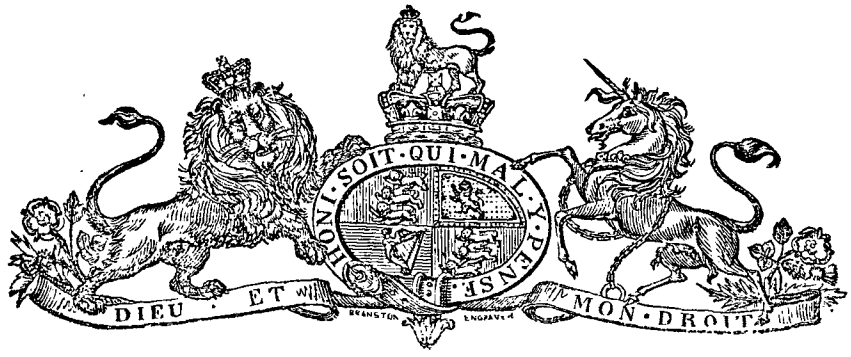

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXXVII.

An Act for the Prevention of Smuggling.

[4th *August* 1845.]

WHEREAS an Act was passed in a Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Prevention of Smuggling*, whereby the Laws of Customs in relation to the Prevention of Smuggling were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Act and Parts of Acts should be consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation for all the Purposes mentioned therein, and that all the Provisions thereof shall extend to any Law in force or hereafter to be made relating to the Customs. 3 & 4 W. 4. c. 53. Commencement of Act.

Vessels and Boats.

II. And be it enacted, That if any Vessel not being square-rigged, or any Boat, either belonging in the whole or in part to Her Majesty's Subjects, Certain Vessels belong-

ing to Her Majesty's Subjects, or whereof Half the Persons on board are Subjects of Her Majesty, and Foreign Vessels, found within certain Distances of the Coast of the United Kingdom, or of the Islands of Guernsey, Jersey, Alderney, Sark, or Man, with certain Goods on board, forfeited, together with the Goods.

Subjects, or having Half the Persons on board Subjects of Her Majesty, shall be found or discovered to have been within One hundred Leagues of the Coast of the United Kingdom; or if any Vessel either belonging in the whole or in part to Her Majesty's Subjects, or having Half the Persons on board Subjects of Her Majesty, or if any Foreign Vessel not being square-rigged, or any Foreign Boat, in which there shall be One or more Subjects of Her Majesty, shall be found or discovered to have been within Four Leagues of that Part of the United Kingdom which is between the *North Foreland* on the Coast of *Kent* and *Beachy Head* on the Coast of *Sussex*, or within Eight Leagues of any other Part of the Coast of the United Kingdom; or if any Foreign Vessel or Boat shall be found or discovered to have been within One League of the Coast of the United Kingdom; or if any Vessel or Boat shall be found or discovered to have been within One League of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* respectively, or within any Bay, Harbour, River, or Creek of or belonging to any one of the said Islands; any such Vessel or Boat so found or discovered, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tea exceeding Six Pounds Weight in the whole, or any Tobacco or Snuff not being in a Cask or Package containing Three hundred Pounds Weight of Tobacco or Snuff at least, or being separated or divided in any Manner within any Cask or Package, or any Tobacco Stalks, or any Cordage or other Articles adapted and prepared for slinging or sinking small Casks, or any Casks or other Vessels whatsoever of less Size or Content than Twenty Gallons, of the Description used for the smuggling of Spirits, then and in every such Case the said Spirits, Tea, Tobacco, or Snuff, and Tobacco Stalks, together with the Casks or Packages containing the same, and the Cordage or other Articles, Casks, and other Vessels of the Description aforesaid, and also the Vessel or Boat, shall be forfeited.

Any Vessel or Boat arriving within any Port of the United Kingdom, or of the Isle of Man, having prohibited Goods on board or attached thereto, forfeited.

III. And be it enacted, That if any Vessel or Boat whatever shall arrive or shall be found or discovered to have been within any Port, Harbour, River, or Creek of the United Kingdom, or of the *Isle of Man*, not being driven thereto by Stress of Weather or other unavoidable Accident, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner within any such Port, Harbour, River, or Creek, any Spirits not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tobacco or Snuff not being in a Cask or Package containing Three hundred Pounds Weight of such Tobacco or Snuff at least, or being separated or divided in any Manner within any Cask or Package, or any Tobacco Stalks, every such Vessel or Boat, and such Spirits, Tobacco, Snuff, or Tobacco Stalks, shall be forfeited: Provided always, that if it shall be made appear to the Satisfaction of the Commissioners of Her Majesty's Customs that the said Spirits, Tobacco, Snuff, or Tobacco Stalks were on board without the Knowledge or Privity of the Owner or

Proviso.

Master of such Vessel or Boat, and without any wilful Neglect or Want of reasonable Care on their or either of their Behalves, then and in such Case the said Commissioners shall and they are hereby authorized and required to deliver up the said Vessel or Boat to the Owner or Master of the same. *Vessels and Boats.*

IV. And be it enacted, That nothing herein contained shall extend to render any Vessel of the Burden of One hundred and twenty Tons or upwards liable to Forfeiture on account of any Tobacco or Snuff coming direct from the *East Indies*, and being in Packages each containing One hundred Pounds Weight of Tobacco or Snuff at least, or on account of any Cigars being in Packages each containing One hundred Pounds Weight of Cigars at least, or on account of any Tobacco the Produce of *Mexico*, *Columbia*, the Continent of *South America*, or of the Islands of *Saint Domingo* or *Cuba*, coming direct from those Places respectively, or from the Warehouse in any *British* Possession in *America*, in Packages each containing Eighty Pounds Weight of Tobacco at least, or on account of any Negrohead Tobacco the Produce of and coming direct from the United States of *America*, in Packages each containing of such Tobacco One hundred and fifty Pounds Weight at least, or on account of any Tobacco of the Dominions of the *Turkish* Empire which may be separated or divided in any Manner within the outward Package, such outward Package being a Hogshead, Cask, Chest, or Case containing of such Tobacco Three hundred Pounds Weight at least, nor to render any Vessel of Sixty Tons Burden or upwards liable to Forfeiture on account of any Tea, or of any Spirits in Glass Bottles or in Stone Bottles, not exceeding the Size of Quart Bottles, such Tobacco, Snuff, Cigars, Tea, and Spirits being really Part of the Cargo of such Vessel, and included in the Manifest or other Papers of such Vessel enumerating or describing the Cargo thereof, nor to render any Vessel liable to Forfeiture on account of any Spirits, Tea, or Tobacco really intended for the Consumption of the Seamen and Passengers on board during their Voyage, and not being more in Quantity than is necessary for that Purpose, nor to render any Vessel liable to Forfeiture if really bound from one Foreign Port to another Foreign Port, and pursuing such Voyage, Wind and Weather permitting. Certain Cases in which Vessels shall not be forfeited for having on board Tobacco, Snuff, Spirits, Tea, or Cigars.

V. And be it enacted, That when any Vessel or Boat belonging in the whole or in part to Her Majesty's Subjects, or having One Half of the Persons on board Subjects of Her Majesty, shall be found within One hundred Leagues of the Coast of the United Kingdom, and shall not bring to upon Signal made by any Vessel or Boat in Her Majesty's Service, or in the Service of the Revenue, hoisting the proper Pendant and Ensign in order to bring such Vessel or Boat to, and thereupon Chase shall be given, if any Person or Persons on board such Vessel or Boat so chased shall, during the Chase, or before such Vessel or Boat shall bring to, throw overboard any Part of the Lading of such Vessel or Boat, or shall stave or destroy any Part of such Lading to prevent Seizure thereof, that then and in such Case the said Vessel or Boat shall be forfeited; and all Persons escaping from such Vessels or Boats, or from any Foreign Vessel or Boat, during any Chase made thereof by any Vessel or Boat in Her Majesty's Service, or Vessels belonging to Her Majesty's Subjects, or having One Half of the Persons on board Subjects of Her Majesty, throwing overboard any Goods during Chase, forfeited, and Persons escaping deemed Subjects.

Vessels and Boats.

or in the Service of the Revenue, shall be deemed and taken to be Subjects of Her Majesty, unless it shall be proved to the contrary.

Certain Vessels from which Goods are thrown overboard to prevent Seizure to be forfeited.

VI. And be it enacted, That from and after the passing of this Act every Vessel not being square-rigged, and every Boat, belonging in the whole or in part to Her Majesty's Subjects, or having on board One or more of Her Majesty's Subjects, which shall be found or discovered to have been within Four Leagues of that Part of the United Kingdom which is between the *North Foreland* on the Coast of *Kent* and *Beachy Head* on the Coast of *Sussex*, or within Eight Leagues of any other Part of the United Kingdom, from which any Part of the Lading of such Vessel or Boat shall have been thrown overboard, or on board which Vessel or Boat any of the Goods on board shall be staved or destroyed, to prevent Seizure, shall be forfeited.

Vessels to bring to on being chased by Vessels or Boats of the Navy or in Preventive Service; not bringing to, may be fired into.

VII. And be it enacted, That in case any Vessel or Boat liable to Seizure or Examination under any Act or Law for the Prevention of Smuggling shall not bring to when required so to do, on being chased by any Vessel or Boat in Her Majesty's Navy having the proper Pendant and Ensign of Her Majesty's Ships hoisted, or by any Vessel or Boat duly employed for the Prevention of Smuggling having a proper Pendant and Ensign hoisted, it shall be lawful for the Captain, Master, or other Person having the Charge or Command of such Vessel or Boat in Her Majesty's Navy, or employed as aforesaid, (first causing a Gun to be fired as a Signal,) to fire at or into such Vessel or Boat; and such Captain, Master, or other Person acting in his Aid or Assistance, or by his Direction, shall be and he is hereby indemnified and discharged from any Indictment, Penalty, Action, or other Proceeding for so doing.

Vessels in Port with a Cargo, and afterwards found in Ballast and Cargo unaccounted for, forfeited.

VIII. And be it enacted, That if any Vessel or Boat whatever shall be found within the Limits of any Port of the United Kingdom with a Cargo on board, and such Vessel or Boat shall afterwards be found light or in Ballast, and the Master is unable to give a due Account of the Port or Place within the United Kingdom where such Vessel or Boat shall have legally discharged her Cargo, such Vessel or Boat shall be forfeited.

Regulations as to Vessels sailing from Guernsey, Jersey, &c.

IX. And be it enacted, That no Vessel or Boat belonging wholly or in part to Her Majesty's Subjects shall sail from *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* without a Clearance, whether in Ballast or having a Cargo, and if with Cargo the Master shall give Bond to Her Majesty in Double the Value of the Vessel or Boat and of the Cargo for duly landing the same at the Port for which the Vessel clears; and every such Vessel or Boat not having such Clearance, or which having a Clearance for a Cargo shall be found light or with any Part of her Cargo discharged before Delivery thereof at the Port specified in the Clearance (unless through Necessity or for Preservation of the Vessel or Boat, to be proved to the Satisfaction of the Commissioners of Her Majesty's Customs), shall be forfeited.

None of Her Majesty's Subjects to

X. And whereas His late Majesty King *George* the Third, by His Royal Proclamation, bearing Date the First Day of *January* One thousand

thousand eight hundred and one, was pleased, with the Advice of His Privy Council, to order and appoint what Ensign or Colours should be borne at Sea by Merchants Ships or Vessels belonging to any of His Majesty's Subjects of the United Kingdom of *Great Britain* and *Ireland*, and of the Dominions thereunto belonging, thereby charging and commanding all His Majesty's Subjects whatsoever that they should not presume to wear in any of their Ships or Vessels His Majesty's Jack commonly called the Union Jack, nor any Pendants nor any such Colours as are usually worn by His Majesty's Ships, without particular Warrant for their so doing from His Majesty, or His High Admiral of *Great Britain*, or the Commissioners for executing the Office of Lord High Admiral for the Time being, and also commanding His Majesty's Subjects that without such Warrant as aforesaid they should not presume to wear on board their Ships or Vessels any Flags, Jacks, Pendants, or Colours made in imitation of or resembling those of His Majesty, or any Kind of Pendant whatsoever, or any other Ensign than the Ensign described in the Margin of the said Proclamation; be it therefore enacted and declared, That from and after the passing of this Act it shall not be lawful for any of Her Majesty's Subjects whomsoever to hoist, carry, or wear in or on board any Ship, Vessel, or Fishing Boat, or any other Vessel or Boat whatever, whether Merchant or otherwise, belonging to any of Her Majesty's Subjects, Her Majesty's Jack commonly called the Union Jack, or any Pendant or any such Colours as are usually worn by Her Majesty's Ships, or any Flag, Jack, Pendant, or Colours whatever made in imitation of or resembling those of Her Majesty, or any Kind of Pendant whatsoever, or any Ensign or Colours whatever, other than those prescribed by the said Proclamation; and that if any Person or Persons shall nevertheless presume to hoist, carry, or wear in or on board any Ship or Vessel, Fishing Boat, or other Vessel or Boat whatever, belonging to any of Her Majesty's Subjects, whether the same be Merchant or otherwise, Her Majesty's Jack commonly called the Union Jack, or any Pendant or Colours such as are commonly worn by Her Majesty's Ships, or any Jack, Flag, Pendant, or Colours whatever made in imitation of or resembling those of Her Majesty, or any Kind of Pendant whatever, without such Warrant as aforesaid, or any other Ensign or Colours than the Ensign or Colours prescribed by the said Proclamation to be worn, then and in every such Case the Master or other Person having Charge of such Ship, Vessel, or Boat, or the Owner or Owners thereof being on board the same, and every other Person so offending, shall for every such Offence forfeit and pay a Sum not exceeding Five hundred Pounds, to be recovered, with Costs of Suit, either in the High Court of Admiralty of *England*, or in any Vice Admiralty Court in Her Majesty's Colonies, or in any of Her Majesty's Courts of Queen's Bench or Exchequer at *Westminster* or *Dublin*, at the Suit of Her Majesty's Attorney General, or in the Courts of Session or Exchequer in *Scotland* respectively; and that it shall be lawful for any Officer of Her Majesty's Navy or Marines belonging to any of Her Majesty's Ships, or any Officer of the Customs or Excise, to enter on board any Ship, Vessel, or Boat so hoisting, wearing, or carrying any Jack, Flag, Ensign, Pendant, or Colours prohibited by the said Proclamation and by this Act to be hoisted, worn, or carried, and to seize

hoist in their Vessels the Union Jack, or any Pendants, &c. usually worn in Her Majesty's Ships, and prohibited to be worn by Proclamation of 1st January 1801, under a Penalty not exceeding 500*l*.

Vessels and Boats.

and take away the same, and the same shall thereupon become forfeited.

Vessels and Boats used in Removal of run Goods to be forfeited.

XI. And be it enacted, That all Vessels and Boats made use of in the Removal, Carriage, or Conveyance of any Goods liable to Forfeiture under this or any other Act relating to the Revenue of Customs shall be forfeited.

Boats of Vessels to have thereon the Name of Vessel, Port, and Master.

XII. And be it enacted, That the Owner of every Vessel belonging in the whole or in part to any of Her Majesty's Subjects shall paint or cause to be painted, upon the Outside of the Stern of every Boat belonging to such Vessel, the Name of such Vessel, and the Port or Place to which she belongs, and the Master's Name withinside the Transon, in White or Yellow Roman Letters, not less than Two Inches in Length, on a Black Ground, on pain of the Forfeiture of such Boat not so marked, wherever the same shall be found.

Boat not belonging to Ships to have Name of Owner and Port thereon.

XIII. And be it enacted, That the Owner of every Boat not belonging to any Vessel shall paint or cause to be painted upon the Stern of such Boat, in White or Yellow Roman Letters of Two Inches in Length on a Black Ground, the Name of the Owner or Owners of the Boat, and the Port or Place to which she belongs, on pain of the Forfeiture of such Boat not so marked wherever the same shall be found.

Vessels and Boats used in piloting or fishing to be painted Black, and not to be painted like Preventive Boats.

XIV. And be it enacted, That the Owner or Owners of every Vessel or Boat employed on the Coasts of the United Kingdom in piloting or fishing shall paint or tar every such Vessel or Boat, or cause the same to be painted or tarred, entirely Black, except the Name or other Description required by Law to be painted on such Vessel or Boat; and every such Vessel or Boat found not so painted or tarred, and every Boat so painted as to resemble any Boat usually employed for the Prevention of Smuggling, or in any other Employment in Her Majesty's Service, shall be forfeited: Provided always, that nothing herein contained shall extend to prevent any distinguishing Mark from being placed on any such Vessel or Boat, or to prevent any such Vessel or Boat from being otherwise painted, if the Commissioners of Her Majesty's Customs shall think proper to allow the same, and which shall be so expressed in the Licence of the said Vessel or Boat.

British Vessels having secret Places for concealing or Devices for running Goods, and Foreign Vessels not square-rigged having Goods in secret Places, forfeited.

XV. And be it enacted, That all Vessels and Boats belonging in the whole or in part to Her Majesty's Subjects having false Bulkheads, false Bows, double Sides or Bottoms, or any secret or disguised Place whatsoever in the Construction of such Vessels or Boats adapted for the Purpose of concealing Goods, or having any Hole, Pipe, or other Device in or about such Vessels or Boats adapted for the Purpose of running Goods, shall be forfeited, with all the Guns, Furniture, Ammunition, Tackle, and Apparel belonging to such Vessels or Boats; and that all Foreign Vessels or Boats not being square-rigged coming to or arriving at any Port of the United Kingdom having on board any Goods liable to the Payment of Duties, or prohibited to be imported into the United Kingdom, concealed in

false

false Bulkheads, false Bows, double Sides or Bottoms, or in any secret or disguised Place whatsoever in the Construction of such last-mentioned Vessels or Boats, shall be forfeited. *Vessels and Boats.*

Licences.

Vessels requiring a Licence.

XVI. And be it enacted, That all Vessels belonging in the whole or in part to Her Majesty's Subjects, not being square-rigged or propelled by Steam, and all Vessels belonging as aforesaid, whether propelled by Steam or otherwise, being of the Burden of One hundred and seventy Tons or less, of which the Length is to the Breadth in a greater Proportion than Three Feet Six Inches to One Foot, and all such last-mentioned Vessels carrying Arms for Resistance, and all Vessels of the Burden of One hundred and seventy Tons or more, belonging as aforesaid, armed with more than Two Carriage Guns of a Calibre exceeding Four Pounds, and with more than Two Muskets for every Ten Men, and all Boats, belonging as aforesaid, which shall be found within One hundred Leagues of the Coast of the United Kingdom, shall be forfeited, unless the Owners thereof shall have obtained a Licence from the Commissioners of Her Majesty's Customs in the Manner herein-after described.

Vessels and Boats belonging to Her Majesty's Subjects, or whereof Half the Persons on board are Subjects of Her Majesty, not to be navigated with a greater Number of Persons than herein mentioned, unless licensed.

XVII. And be it enacted, That every Vessel or Boat belonging in the whole or in part to Her Majesty's Subjects, or whereof One Half of the Persons on board shall be Subjects of Her Majesty, (not being a Lugger, and at the Time fitted and rigged as such,) which shall be navigated by a greater Number of Men (Officers and Boys included) than in the following Proportions; (that is to say,) if of Thirty Tons or under, and above Five Tons, Four Men; if of Sixty Tons or under, and above Thirty Tons, Five Men; if of Eighty Tons or under, and above Sixty Tons, Six Men; if of One hundred Tons or under, and above Eighty Tons, Seven Men; and above that Tonnage, One Man for every Fifteen Tons of such additional Tonnage; or, if a Lugger, then in the following Proportions; (that is to say,) if of Thirty Tons or under, Eight Men; if of Fifty Tons or under, and above Thirty Tons, Nine Men; if of Sixty Tons or under, and above Fifty Tons, Ten Men; if of Eighty Tons or under, and above Sixty Tons, Eleven Men; if of One hundred Tons or under, and above Eighty Tons, Twelve Men; and if above One hundred Tons, One Man for every Ten Tons of such additional Tonnage; which shall be found within One hundred Leagues of the Coast of the United Kingdom shall be forfeited, unless such Vessel, Boat, or Lugger shall be especially licensed for that Purpose by the Commissioners of Her Majesty's Customs.

Certain Particulars to be inserted in Licences for Vessels and Boats.

XVIII. And be it enacted, That every Licence granted by the Commissioners of Her Majesty's Customs for any Vessel or Boat requiring Licence under this Act shall contain the proper Description of such Vessel or Boat, the Name or Names of the Owner or Owners, with his or their Place or Places of Abode, and the Manner and the Limits in which the same is to be employed, and, if armed, the Numbers and Descriptions of Arms, and the Quantity of Ammunition, together with any other Particulars which the said Commissioners may require and direct, and that it shall be lawful for the said Commissioners to restrict the granting of a Licence for any Vessel

Licences.

Vessel or Boat in any way that they may deem expedient for the Security of the Revenue.

The Owner to give Security by Bond, with the Condition herein mentioned.

XIX. And be it enacted, That before any such Licence shall be issued or delivered, or shall have Effect for the Use of such Vessel or Boat, the Owner or Owners of every such Vessel or Boat shall give Security by Bond in the single Value of such Vessel or Boat, with Condition as follows; (that is to say,) that the Vessel or Boat shall not be employed in the Importation, landing, or removing of any prohibited or uncustomed Goods contrary to the true Intent and Meaning of this Act, or any other Act relating to the Customs or Excise, nor in the Exportation of any Goods which are or may be prohibited to be exported, nor in the re-landing of any Goods contrary to Law, nor shall receive or take on board or be found at Sea or in Port with any Goods subject to Forfeiture, nor shall do any Act contrary to this Act, or any Act hereafter to be made relating to the Customs or Excise, or for the Protection of the Trade and Commerce of the United Kingdom, nor shall be employed otherwise than mentioned in the Licence, and within the Limits therein mentioned; and in case of Loss, breaking up, or Disposal of the Vessel or Boat, that the Licence shall be delivered up within Six Months from the Date of such Loss, breaking up, or Disposal of such Vessel or Boat to the Collector or principal Officer of Customs at the Port at which such Vessel or Boat shall belong, and that no such Bond given in respect of any Boat shall be liable to any Stamp Duty.

Penalty of Bond not to exceed 1,000*l.*

XX. And be it enacted, That nothing herein contained shall authorize the requiring any Bond in any higher Sum than One thousand Pounds, although the single Value of the Vessel or Boat for which such Licence is to be issued may be more than One thousand Pounds.

Licence Bonds given by Minors to be valid.

XXI. And be it enacted, That all Bonds given by Persons under the Age of Twenty-one Years, in pursuance of the Directions herein contained, shall be valid and effectual to all Intents and Purposes, any thing in any Act or any Law or Custom to the contrary in anywise notwithstanding.

Vessels not to be used in any Manner not mentioned in the Licence, which is to be produced when demanded.

XXII. And be it enacted, That when any Vessel or Boat shall be found or discovered to have been used or employed in any Manner or in any Limits other than such as shall be specified in the Licence hereby required, or if such Licence shall not be on board such Vessel or Boat, or shall not at any Time be produced and delivered for Examination to any Officer or Officers of the Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on full Pay, or any Officer of Customs or Excise demanding the same, then and in every such Case such Vessel or Boat, and all the Goods laden on board, shall be forfeited.

Certain Vessels, Boats, and Luggers not required to be licensed.

XXIII. Provided always, and be it enacted, That nothing herein contained shall extend, or be deemed or taken to extend, to any Vessel, Boat, or Lugger belonging to any of the Royal Family, or being in the Service of the Navy, Victualling, Ordnance, Customs, Excise, or Post Office, nor to any Whale Boat or Boat solely employed

Licences.

ployed in the Fisheries, nor to any Boat belonging to any square-rigged Vessel in the Merchant Service, nor to any Life Boat, nor to any Tow Boat belonging to licensed Pilots used in towing Vessels, nor to any Boat used solely in Rivers or Inland Navigation, nor to any Boats solely used in fishing on the Coast of *Ireland* or *Scotland*.

Penalty for counterfeiting or falsifying Licences, or making use thereof.

XXIV. And be it enacted, That if any Person or Persons shall counterfeit, erase, alter, or falsify, or cause to be counterfeited, erased, altered, or falsified, any Licence so to be granted as aforesaid, or shall knowingly make use of any Licence so counterfeited, erased, altered, or falsified, such Person or Persons shall for every such Offence forfeit the Sum of Five hundred Pounds.

How long Bonds are to be in force.

XXV. And be it enacted, That no Bond given on account of the Licence of any Vessel or Boat under this or any other Act for the Prevention of Smuggling shall be cancelled until the Space of Twelve Months after the Licence for which such Bond had been entered into shall have been delivered up to the proper Officer of the Customs; and such Bond shall remain in full Force and Effect for Twelve Months after the delivering up of the Licence as aforesaid.

Licences and Bonds granted previous to this Act to continue valid.

XXVI. And be it enacted, That all Licences for any Vessels or Boats granted in pursuance of any former Act relating to the Customs, or for the Prevention of Smuggling, shall continue valid for all the Purposes for which such Licences were required; and all Bonds given in pursuance of any such Act shall continue valid, and may be in force, any thing herein contained notwithstanding.

Provisions as to Licences to extend to Guernsey, &c.

XXVII. And be it enacted, That all the Provisions herein contained relating to the licensing of Vessels and Boats shall extend to the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*.

Vessels and Goods.

Goods unshipped without Payment of Duty, and prohibited Goods, liable to Forfeiture, with the Horses, &c., used in Removal.

XXVIII. And be it enacted, That if any Goods liable to the Payment of Duties shall be unshipped from any Vessel or Boat in the United Kingdom or the *Isle of Man* (Customs or other Duties not being first paid or secured), or if any prohibited Goods whatsoever shall be imported or brought into any Part of the United Kingdom, or of the *Isle of Man*, or if any Goods whatever which shall have been warehoused or otherwise secured in the United Kingdom, or in the *Isle of Man*, either for Home Consumption or Exportation, shall be clandestinely or illegally removed from or out of any Warehouse or Place of Security, then and in every such Case all such Goods as aforesaid shall be forfeited, together with all Horses and other Animals, and all Carriages and other Things, made use of in the Removal of such Goods.

Goods concealed on board a Vessel forfeited, and all Goods packed therewith.

XXIX. And be it enacted, That if any Goods which are subject to any Duty or Restriction in respect of Importation, or which are prohibited to be imported into the United Kingdom, shall be found or discovered to have been concealed in any Manner on board any Vessel or Boat within the Limits of any Port of the United Kingdom or of the *Isle of Man*, or shall be found, either before or after landing, to have been concealed in any Manner on board such Vessel or Boat within

Vessels and Goods.

within such Limits as aforesaid, that then and in every such Case all such Goods, and all other Goods which shall be packed with or used in concealing them, shall be forfeited.

Spirits and Tobacco found removing without a Permit to be deemed run.

XXX. And be it enacted, That all Spirits and all Tobacco for which a Permit is by Law required which shall be found removing without a legal Permit for the same shall be deemed to be Spirits or Tobacco respectively liable to and unshipped without Payment of Duty, unless the Party in whose Possession the same shall be found or seized shall prove to the contrary.

Restricted Goods to be deemed run Goods for the Purpose of proceeding for Forfeiture or Penalty.

XXXI. And be it enacted, That all Goods the Importation of which is in any way restricted, which are of a Description admissible to Duty, and which shall be found or seized in the United Kingdom or in the *Isle of Man* under any Law relating to the Customs or Excise, shall, for the Purpose of proceeding for the Forfeiture of them, or for any Penalty incurred in respect of them, be deemed to be and shall be described in any Information exhibited on account of such Forfeiture or Penalty as Goods liable to and unshipped without Payment of Duties.

Prohibited Goods shipped or waterborne with Intent to be exported, &c. forfeited, with all Goods packed therewith.

XXXII. And be it enacted, That if any Goods which are prohibited to be exported shall be put on board any Vessel or Boat with Intent to be laden or shipped for Exportation, or shall be brought to any Quay, Wharf, or other Place in the United Kingdom in order to be put on board any Vessel or Boat for the Purpose of being exported, or if any Goods which are prohibited to be exported shall be found in any Package produced to the Officer or Officers of Customs as containing Goods not so prohibited, then and in every such Case not only all such prohibited Goods, but also all other Goods packed therewith, shall be forfeited.

Vessels, Boats, and Goods may be seized by Officers and Persons herein mentioned, and must be delivered to the proper Officer.

XXXIII. And be it enacted, That all Vessels and Boats, and all Goods whatsoever, liable to Forfeiture under this or any other Act relating to the Customs, shall and may be seized in any Place, either upon Land or Water, by any Officer or Officers of Her Majesty's Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on Full Pay, or by any Officer or Officers of Customs or Excise, or by any Person having Authority to seize from the Commissioners of Her Majesty's Customs or Excise; and all Vessels, Boats, and Goods so seized shall, as soon as conveniently may be, be delivered into the Care of the proper Officer appointed to receive the same.

Powers given to Officers of Excise by 1 & 2 W. 4. c. 55. as to Seizure of private Stills, &c., extended to Officers of Customs.

XXXIV. And whereas by an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in* Ireland, Officers of Excise are authorized to search for private Stills, Wort, Wash, Pot, Ale, Low Wines, or Singlings, or Spirits, and Corn or Grain making into Malt, and to arrest and detain Persons discovered in the Place where private Distillation of Spirits or making of Malt is carrying on: And whereas it is expedient to extend the like Powers

Powers to Officers of Customs; be it therefore enacted, That all the Powers, Authorities, and Privileges granted to Officers of Excise by the said recited Act may and shall be exercised by Officers of Customs as fully and effectually as if the Clauses in the said Act had been repeated and re-enacted in the Body of this Act, and made to apply to Officers of Customs. *Vessels and Goods.*

XXXV. And be it enacted, That if any Officer or Officers of the Customs or Excise, or any Officer or Officers of the Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on Full Pay, or any other Person or Persons whomsoever duly employed for the Prevention of Smuggling, shall make any collusive Seizure, or deliver up, or make any Agreement to deliver up or not to seize, any Vessel or Boat, or any Goods liable to Forfeiture, or shall take any Bribe, Gratuity, Recompence, or Reward for the Neglect or Nonperformance of his Duty, every such Officer or other Person shall forfeit for every such Offence the Sum of Five hundred Pounds, and be rendered incapable of serving Her Majesty in any Office whatever, either Civil or Military; and every Person who shall give or offer, or promise to give or procure to be given, any Bribe, Recompence, or Reward to, or shall make any collusive Agreement with, any such Officer or Person as aforesaid, to induce him in any way to neglect his Duty, or to do, conceal, or connive at any Act whereby any of the Provisions of any Act of Parliament relating to the Customs may be evaded, shall forfeit the Sum of Two hundred Pounds. Penalty on Officers and Persons making collusive Seizures, or taking Bribes, and on Persons offering them.

XXXVI. And be it enacted, That it shall and may be lawful to and for any Officer or Officers of the Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on Full Pay, or for any Officer or Officers of Customs, producing his or their Warrant or Deputation (if required), to go on board any Vessel which shall be within the Limits of any of the Ports of the United Kingdom, and to rummage and to search the Cabin and all other Parts of such Vessel for prohibited or uncustomed Goods, and to remain on board such Vessel during the whole Time that the same shall continue within the Limits of such Port, and also to search any Person or Persons either on board or who shall have landed from any Vessel, provided such Officer or Officers shall have good Reason to suppose that such Person or Persons hath or have any uncustomed or prohibited Goods secreted about his, her, or their Person or Persons; and if any Person shall obstruct any such Officer or Officers in going or remaining on board, or in entering or searching such Vessel or Person, every such Person shall forfeit and lose the Sum of One hundred Pounds. Vessels may be searched within the Limits of the Ports, as also Persons on board, or who may have landed from them, if the Officers have Reason to suspect Goods are concealed about their Persons.

XXXVII. And be it enacted, That before any Person shall be searched by any such Officer or Officers as aforesaid it shall be lawful for such Person to require such Officer or Officers to take him or her before any Justice of the Peace, or before the Collector, Comptroller, or other Superior Officer of the Customs, who shall determine whether there is reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person; and if it shall Before Persons are searched, they may require to be taken before a Justice or a Superior Officer of

Customs, who shall determine whether there are reasonable Grounds of Suspicion.

shall appear to such Justice, Collector, Comptroller, or other Superior Officer of Customs that there is reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person, then such Justice, Collector, Comptroller, or other Superior Officer of Customs shall direct such Person to be searched in such Manner as he shall think fit; but if it shall appear to such Justice, Collector, Comptroller, or other Superior Officer of Customs that there is not reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person, then such Justice, Collector, Comptroller, or other Superior Officer of Customs shall forthwith discharge such Person, who shall not in such Case be liable to be searched; and every such Officer or Officers as aforesaid is and are hereby authorized and required to take such Person, upon demand, before any such Justice, Collector, Comptroller, or other Superior Officer of Customs, detaining him or her in the meantime: Provided always, that no Person being a Female shall be searched by any other Person than a Female duly authorized for that Purpose by the Commissioners of Her Majesty's Customs.

Penalty on Officers for Misconduct with respect to search.

XXXVIII. And be it enacted, That if any such Officer or Officers shall not take such Person with reasonable Despatch before such Justice, Collector, Comptroller, or other Superior Officer of Customs, when so required, or shall require any Person to be searched by him, not having reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person, such Officer shall forfeit and pay the Sum of Ten Pounds.

Penalty on Persons on board denying having Foreign Goods about them.

XXXIX. And be it enacted, That if any Passenger or other Person on board any Vessel or Boat shall, upon being questioned by any Officer or Officers of Her Majesty's Customs whether he or she has any Foreign Goods upon his or her Person, or in his or her Possession, deny the same, and any such Goods shall, after such Denial, be discovered upon his or her Person, or in his or her Possession, such Goods shall be forfeited, and such Person shall forfeit Treble the Value of such Goods.

Officers authorized by Writ of Assistance, and having a Peace Officer, may search Houses for uncustomed or prohibited Goods, and break open Doors and Packages to seize such Goods.

XL. And be it enacted, That it shall and may be lawful for any Officer or Officers of Customs, or Person acting under the Direction of the Commissioners of Her Majesty's Customs, having a Writ of Assistance under the Seal of Her Majesty's Court of Exchequer, to take a Constable, Headborough, or other public Officer inhabiting near the Place, and in the Daytime to enter into and search any House, Shop, Cellar, Warehouse, Room, or other Place, and in case of Resistance to break open Doors, Chests, Trunks, and other Packages, there to seize and from thence to bring any uncustomed or prohibited Goods, and to put and secure the same in the Custom House Warehouse in the Port next to the Place from whence such Goods shall be so taken as aforesaid: Provided always, that for the Purposes of this Act any such Constable, Headborough, or other public Officer, duly sworn as such, may act as well without the Limits of any Parish, Ville, or other Place for which he shall be so sworn as within such Limits.

XLI. And

Vessels and Goods.

XLI. And be it enacted, That all Writs of Assistance so issued from the Court of Exchequer as aforesaid shall continue and be in force during the whole of the Reign in which such Writs shall have been granted, and for Six Months from the Conclusion of such Reign.

Duration of Writs of Assistance.

XLII. And be it enacted, That it shall be lawful for any Officer of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, upon reasonable Suspicion, to stop and examine any Cart, Waggon, or other Means of Conveyance, for the Purpose of ascertaining whether any smuggled Goods are contained therein; and if no such Goods shall be found, then and in such Case the Officer or other Person so stopping and examining such Cart, Waggon, or other Conveyance, having had probable Cause to suspect that such Cart, Waggon, or other Conveyance had smuggled Goods contained therein, shall not, on account of such Stoppage and Search, be liable to any Prosecution or Action at Law on account thereof; and all Persons driving or conducting such Cart, Waggon, or other Conveyance, refusing to stop when required so to do in the Queen's Name, shall forfeit the Sum of One hundred Pounds.

Officers of Customs or Excise may, on probable Cause, stop Carts, &c., and search for Goods.

XLIII. And be it enacted, That if any Goods subject or liable to Forfeiture under this or any other Act relating to the Customs shall be stopped or taken by any Police Officer, or other Person acting by virtue of any Act of Parliament, or otherwise duly authorized, such Goods shall be carried to the Custom House Warehouse next to the Place where the Goods were stopped or taken, and there delivered to the proper Officer appointed to receive the same, within Forty-eight Hours after the said Goods were stopped and taken.

Police Officers seizing Goods to carry them to the Custom House Warehouse.

XLIV. And be it enacted, That if any such Goods shall be stopped or taken by such Police Officer on Suspicion that the same had been feloniously stolen, it shall be lawful for the said Officer to carry the same to the Police Office to which the Offender is taken, there to remain until and in order to be produced at the Trial of the said Offender; and in such Case the Officer is required to give Notice in Writing to the Commissioners of Her Majesty's Customs of his having so detained the said Goods, with the Particulars of the same; and immediately after the Trial of such Offender all such Goods shall be conveyed to and deposited in the Custom House Warehouse as aforesaid, to be proceeded against according to Law; and in case any Police Officer making Detention of any such Goods shall neglect to convey the same to such Warehouse, or to give the Notice of having stopped the same as before described, such Officer shall forfeit the Sum of Twenty Pounds.

Goods stopped by Police Officers may be retained until Trial of Persons charged with stealing them.

XLV. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, for the Time being, or for the Commissioners of Her Majesty's Customs or Excise, by any Order made for that Purpose under their Hands, to direct any Vessel, Boat, Goods, or Commodities whatever seized under this or any Act relating to the Customs or Excise, or to the

Commissioners of Treasury, or Commissioners of Customs or Excise, may restore Seizures, and

mitigate or remit Punishments and Penalties.

the Trade or Navigation of the United Kingdom, or to any of Her Majesty's Possessions abroad, to be delivered to the Proprietor or Proprietors thereof, whether Condemnation shall have taken place or not, and also to mitigate or remit any Penalty or Fine, or any Part of any Penalty or Fine, incurred under any such Act as last aforesaid, or to release from Confinement any Person or Persons committed under this or any Act relating to the Customs, on such Terms and Conditions as to them respectively shall appear to be proper: Provided always, that no Person shall be entitled to the Benefit of any Order for such Delivery, Mitigation, Remission, or Release, unless such Terms and Conditions are fully and effectually complied with.

Penalties.

Persons unshipping, harbouring, or having Custody of any prohibited or uncustomed Goods to forfeit the Value, or 100*l.*

XLVI. And be it enacted, That every Person who shall, either in the United Kingdom or the *Isle of Man*, unship or assist or be otherwise concerned in the unshipping of any Goods which are prohibited to be imported into the United Kingdom or into the *Isle of Man*, or the Duties for which have not been paid or secured, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, any Goods which shall have been illegally unshipped without Payment of Duties, or which shall have been illegally removed, without Payment of the same, from any Warehouse or Place of Security in which they may have been deposited, or any Goods prohibited to be imported, or to be used or consumed in the United Kingdom or in the *Isle of Man*, and every Person, either in the United Kingdom or in the *Isle of Man*, to whose Hands and Possession any such prohibited or uncustomed Goods shall knowingly come, or who shall assist or be in anywise concerned in the illegal Removal of any Goods from any Warehouse or Place of Security in which they shall have been deposited as aforesaid, shall forfeit, either the Treble Value thereof, or the Penalty of One hundred Pounds, at the Election of the Commissioners of Her Majesty's Customs.

How Value is to be ascertained.

XLVII. And be it enacted and declared, That in all Cases where any Penalty, the Amount of which is at any Time to be determined by the Value of any Goods, is directed to be sued for under any Act relating to the Customs or Excise, such Value shall, as regards Proceedings in any of Her Majesty's Courts of Record at *Westminster*, *Dublin*, or *Edinburgh*, or in the Royal Courts of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, be estimated and taken according to the Rate and Price which Goods of the like Sort or Denomination of the best Quality, and upon which the Duties of Importation shall have been paid, were sold for in *London*, *Dublin*, *Edinburgh*, or at the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* respectively at or about the Time of the Commission of the Offence (as the Penalty may have been incurred in *England*, *Ireland*, *Scotland*, or at any of the said Islands respectively), and that as regards Proceedings before Magistrates such Value shall be estimated and taken in the like Manner according to the Rate and Price for which such Goods were sold in some Town at or near to the Place where the Offence shall have been committed.

Persons insuring the Delivery of

XLVIII. And be it enacted, That every Person who, by way of Insurance or otherwise, shall undertake or agree to deliver any Goods

to be imported from Parts beyond the Seas into any Port or Place in the United Kingdom without paying the Duties due thereon on such Importation, or any prohibited Goods, or who, in pursuance of such Insurance or otherwise, shall deliver or cause to be delivered any uncustomed or prohibited Goods, and every Aider or Abettor of such Person, shall for every such Offence forfeit the Sum of Five hundred Pounds, over and above any other Penalty to which by Law he may be liable; and every Person who shall agree to pay any Money for the Insurance or conveying of such Goods, or shall receive or take such Goods into his Custody or Possession, or suffer the same to be so received or taken, shall also forfeit Five hundred Pounds, over and above any Penalty to which by Law he may be liable on account of such Goods.

prohibited or uncustomed Goods to forfeit 500*l.*

XLIX. And be it enacted, That if any Person or Persons shall offer for Sale any Goods under pretence that the same are prohibited or have been unshipped and run on shore without Payment of Duties, that then and in such Case all such Goods (although not liable to any Duties or prohibited) shall be forfeited, and the Person or Persons, and every of them, offering the same for Sale shall forfeit the Treble Value of such Goods, or the Penalty of One hundred Pounds, at the Election of the Commissioners of Her Majesty's Customs.

Penalty on Persons offering Goods for Sale under pretence of being run or prohibited.

L. And be it enacted, That every Person, being a Subject of Her Majesty, who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture under this or any Act relating to the Customs for being found or discovered to have been within any of the Distances in this Act mentioned from the United Kingdom or from the *Isle of Man*, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, such Goods or Things as subject such Vessel or Boat to Forfeiture, or who shall be found or discovered to have been, within any such Distances as aforesaid, on board any Vessel or Boat from which any Part of the Cargo or Lading of such Vessel or Boat shall have been thrown overboard or staved or destroyed, to prevent Seizure, and every Person, not being a Subject of Her Majesty, who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture for any of the Causes last aforesaid within One League of the Coast of the United Kingdom or of the *Isle of Man*, shall, upon being duly convicted of any of the said Offences before any Two Justices of the Peace, be adjudged by such Justices for the First of such Offences to be imprisoned in any House of Correction, and there kept to hard Labour for any Term not less than Six nor greater than Nine Calendar Months, and for the Second of such Offences for any Term not less than Nine nor greater than Twelve Calendar Months, and for the Third or any subsequent Offence for Twelve Calendar Months; and it shall be lawful for any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer or Officers of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and he, and they is, and are hereby authorized, em-

Persons found or discovered to have been on board Vessels liable to Forfeiture for being found within certain Limits of the Coast, subject to be committed to any House of Correction.

Penalties.

empowered, and required to detain every such Person, and to take such Person before any Justice of the Peace in the United Kingdom or in the *Isle of Man*, to be dealt with as herein-after directed: Provided always, that any such Person proving to the Satisfaction of any Justice or Justices before whom he may be brought that he was only a Passenger in such Vessel or Boat, and had no Interest whatever either in the Vessel or Boat, or in the Cargo, or any Goods on board the same, shall be forthwith discharged by such Justice or Justices.

Persons unshipping, or concerned in the carrying away or concealing, Spirits or Tobacco, to forfeit 100*l.*, and may be detained.

LI. And be it enacted, That every Person whatsoever who shall unship, or be aiding, assisting, or concerned in the unshipping of any Spirits or Tobacco liable to Forfeiture under this or any other Act relating to the Customs or Excise, either in the United Kingdom or in the *Isle of Man*, or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the carrying, conveying, or concealing of any such Spirits or Tobacco, shall forfeit for such Offence the Sum of One hundred Pounds; and every such Person may be detained by any Officer or Officers of Her Majesty's Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or by any Officer or Officers of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and taken before any Justice of the Peace in the United Kingdom or in the *Isle of Man*, to be dealt with as herein-after directed.

Persons carrying, &c. Tea or manufactured Silk, to forfeit Treble the Value, and to be liable to Detention.

LII. And be it enacted, That every Person whatsoever who shall unship, or be aiding, assisting, or otherwise concerned in the unshipping of any Tea or Foreign manufactured Silk of the Value of Twenty Pounds liable to Forfeiture under any Act relating to the Customs or Excise, or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the carrying, conveying, or concealing of such Tea or Silk, shall forfeit for every such Offence Treble the Value thereof; and every such Person shall and may be detained by any Officer or Officers of Her Majesty's Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or by any Officer or Officers of Customs or Excise, or by any other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and taken before any Justice of the Peace in the United Kingdom or the *Isle of Man*, to be dealt with as herein-after directed: Provided always, that it shall and may be lawful for such Person so detained to give Security in Treble the Amount of the Goods seized by Recognizance or otherwise, to the Satisfaction of such Justice of the Peace, to appear at a Time and Place to be by him appointed.

Persons found or discovered to have been on board Vessels found within a Port of the United Kingdom or

LIII. And be it enacted, That every Person who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture under this or any Act or Acts relating to the Customs for being found or discovered to have been within any Port, Harbour, River, or Creek of the United Kingdom or of the *Isle of Man*, not being driven thereinto by Stress of Weather or other unavoidable Accident, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying

ing or having conveyed in any Manner, such Goods or Things as subject such Vessel or Boat to Forfeiture, or who shall be found or discovered to have been on board any of Her Majesty's Ships or Vessels, or on board any Ship or Vessel in Her Majesty's Employment or Service, or on board of any Foreign Post Office Packet, being a national Vessel, employed in carrying the Mails between any Foreign Country and the United Kingdom, such last-mentioned Ships, Vessels, or Packets being found or discovered to have been within any Port, Harbour, River, or Creek of the United Kingdom or of the *Isle of Man*, not being driven therein by Stress of Weather or other unavoidable Accident, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tobacco or Snuff not being in a Cask or Package containing Three hundred Pounds Weight of such Tobacco or Snuff at least, or being separated or divided in any Manner within any Cask or Package, shall forfeit the Sum of One hundred Pounds; and it shall be lawful for any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer or Officers of Customs or Excise, or other Persons acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and he and they is and are hereby authorized, empowered, and required, to detain every such Person, and to take such Person before any Justice of the Peace in the United Kingdom or in the *Isle of Man*, to be dealt with as herein-after directed.

the Isle of Man with certain contrabrand Articles on board subject to a Penalty of 100*l.*, and to Detention.

LIV. Provided always, and be it enacted and declared, That no Person shall be liable to any Penalty for or to be detained on account of any such Offence as is herein-before lastly mentioned, unless there shall be reasonable Ground to believe that such Person was the Owner of such Goods, or was concerned in bringing the same into such Ports and other Places as are herein-before mentioned, or in concealing the same, nor on account of any Spirits, Tobacco, or Snuff, being Stores, or being in Vessels or Packages of a Content or Size permitted by Law.

Parties not liable to Penalties or Detention unless concerned in bringing in the Goods.

LV. And be it enacted, That where any Persons or Person being Part of the Crew of any Ship or Vessel in Her Majesty's Employment or Service, and liable to Detention by any Officer or Officers of the Customs, shall have been detained under any Law or Laws relating to the Customs, such Person or Persons, upon Notice thereof given by such Officer or Officers of Customs to the Captain or Commanding Officer of the Ship or Vessel, shall be placed in Security by such Captain or Commanding Officer on board such Ship or Vessel until the Officer or Officers of Customs shall have obtained a Warrant from a Justice of the Peace for bringing the said Offender or Offenders before him or any Two or more Justices of the Peace, to be dealt with according to Law, which said Warrant such Justice of the Peace is hereby authorized and required to grant, upon Complaint made to him by such Officer or Officers of Customs, stating the Offence for

Persons in Her Majesty's Naval Service detained under Revenue Laws to be secured on board until a Justice's Warrant procured.

Penalties. which such Person or Persons is or are liable to Detention as aforesaid.

Persons assembled, to the Number of Three or more, to run Spirits, Tea, Tobacco, or Silk; or procuring others to assemble to run Goods; or obstructing Officers in the Execution of their Duty.

LVI. And be it enacted, That all Persons assembled, to the Number of Three or more, for the Purpose of unshipping, carrying, conveying, or concealing any Spirits or Tobacco, or any Tea or Silk (such Tea or Silk being of the Value of Twenty Pounds or more), liable to Forfeiture under this Act, or any other Act or Acts relating to the Customs or Excise, and every Person who shall by any Means procure or hire, or shall depute or authorize any other to procure or hire, any Person or Persons to assemble for the Purpose of being concerned in the landing or unshipping, or carrying, conveying, or concealing, any Goods which are prohibited to be imported, or the Duties for which have not been paid or secured, and that every Person who shall obstruct any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer or Officers of Customs or Excise, or any Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, in the Execution of his or their Duty, or in the due seizing of any Goods liable to Forfeiture by this Act, or any other Act or Acts relating to the Customs, or who shall rescue or cause to be rescued any Goods which have been duly seized, or who shall attempt or endeavour to do, or who shall before or at or after any Seizure stave, break, or otherwise destroy any Goods to prevent the Seizure thereof or the securing the same, shall, upon being duly convicted of any of the said Offences before any Two Justices of the Peace, be adjudged by such Justices for the First Offence to be imprisoned in any House of Correction, and there kept to hard Labour for any Term not less than Six nor greater than Nine Calendar Months, and for the Second Offence for any Term not less than Nine nor greater than Twelve Calendar Months, and for the Third or any subsequent Offence for Twelve Calendar Months.

to be sent to House of Correction to hard Labour.

Authorizing Magistrates to proceed to Conviction of Smugglers in certain Cases without an Order from the Board of Customs.

LVII. And be it enacted, That whenever any Person shall have been detained and taken before any Justice of the Peace for being found or discovered to have been on board any Vessel or Boat within any Port, Harbour, River, or Creek of the United Kingdom or of the *Isle of Man*, such Vessel or Boat having on board or having had on board Spirits or Tobacco in such Casks or Packages as would, under this or any other Act relating to Customs, subject the same to Forfeiture, or for unshipping, or for aiding, assisting, or being concerned in the unshipping of any Spirits or Tobacco liable to Forfeiture under this or any other Act relating to the Customs or Excise, or for carrying, conveying, or concealing, or for aiding, assisting, or being concerned in the carrying, conveying, or concealing of any such Spirits or Tobacco, and it shall appear to such Justice that the Quantity of Spirits in respect of which such Person has been so detained does not exceed One Gallon, or that the Quantity of Tobacco in respect of which such Person has been so detained does not exceed Six Pounds Weight, it shall and may be lawful for such Justice and he is hereby authorized to proceed summarily upon the Case without any Information, and although no Direction

Direction shall have been given by the Commissioners of Her Majesty's Customs, and to convict such Person of such Offence, and to adjudge that such Person shall, in lieu of any other Penalty, forfeit any Sum of Money not exceeding Five Pounds, and in default of Payment of such Sum of Money to commit such Person to any of Her Majesty's Gaols for any Time not exceeding One Month. *Penalties.*

LVIII. And whereas it is expedient that Time should be allowed to obtain the Order of the Commissioners of Customs or Excise as herein-after directed, and also to prepare Informations, Convictions, and Warrants of Commitment; be it enacted, That when any Person or Persons shall have been detained by any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or by any Officer of Customs or Excise, or any Person or Persons acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, for any Offence against this or any other Act or Acts relating to the Customs, and shall have been taken before any Justice of the Peace, if it shall appear to such Justice that there is reasonable Cause to detain such Person or Persons, such Justice may and he is hereby authorized and required to order such Person or Persons to be detained a reasonable Time, and at the Expiration of such Time to be brought before any Two Justices of the Peace, who are hereby authorized and required finally to hear and determine the Matter. Where Persons are taken before a Justice for any Offence under any Act relating to the Customs, such Justice may order them to be detained a reasonable Time.

LIX. And be it enacted, That if any Person or Persons liable to be detained under the Provisions of this or any other Act relating to the Customs shall not be detained at the Time of so committing the Offence for which he or they is or are so liable, or, after Detention shall make his or their Escape, it shall and may be lawful for any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or for any Officer of Customs or Excise, or any other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, to detain such Person so liable to Detention as aforesaid at any Time afterwards, and to take him before any Justice of the Peace, to be dealt with as if detained at the Time of committing the said Offence. Any Person liable to be arrested making his Escape may afterwards be detained by any Officer of the Customs.

LX. And be it enacted, That no Person shall, after Sunset and before Sunrise, between the Twenty-first Day of *September* and the First Day of *April*, or after the Hour of Eight in the Evening and before the Hour of Six in the Morning at any other Time in the Year, make, aid or assist in making, any Signal in or on board or from any Vessel or Boat, or on or from any Part of the Coast or Shore of the United Kingdom, or within Six Miles of any Part of such Coast or Shore, for the Purpose of giving any Notice to any Person on board any Smuggling Vessel or Boat, whether any Person so on board of such Vessel or Boat be or be not within Distance to notice any such Signal, and if any Person, contrary to the true Intent and Meaning of this Act, make or cause to be made, or aid or assist in making, any such Signal, such Person so offending shall be guilty of a Misdemeanor, and it shall be lawful for any Person to stop, arrest, and detain the Person or Persons who shall so offend, and to carry and convey such Person or Persons so offending *Persons making Signals to Smuggling Vessels at Sea may be detained, and, on Conviction, to forfeit 100l., or be kept to hard Labour for One Year.*

Penalties.

offending before any One or more of Her Majesty's Justices of the Peace residing near the Place where such Offence shall be committed, who, if he sees Cause, shall commit the Offender to the next County Gaol, there to remain until the next Court of Oyer and Terminer, Great Session, or Gaol Delivery, or until such Person or Persons shall be delivered by due Course of Law; and it shall not be necessary to prove on any Indictment or Information that any Vessel or Boat was actually on the Coast; and the Offender or Offenders, being duly convicted thereof, shall, by Order of the Court before whom such Offender or Offenders shall be convicted, either forfeit and pay the Penalty or Forfeiture of One hundred Pounds, or, at the Discretion of such Court, be sentenced or committed to the Common Gaol or House of Correction, there to be kept to hard Labour for any Term not exceeding One Year.

Proof of a Signal not being intended to lie on the Defendant.

LXI. Provided always, and be it enacted, That in case any Person be charged with or indicted for having made or caused to be made, or for aiding or assisting in making, any such Signal as aforesaid, the Burden of Proof that such Signal so charged as having been made with Intent and for the Purpose of giving such Notice as aforesaid was not made with such Intent and for such Purpose shall be upon the Defendant against whom such Charge is made or such Indictment is found.

Any Person may prevent Signals, and enter upon Lands for that Purpose.

LXII. And be it enacted, That it shall be lawful for any Person whatsoever to prevent any Signal being made as aforesaid, and to enter and go into and upon any Lands for that Purpose without being liable or subject to any Indictment, Suit, or Action for the same.

Felonies.

Three or more armed Persons assembled to assist in the illegal landing of any Goods, or in the rescuing of Goods seized, to be deemed guilty of Felony.

LXIII. And be it enacted, That if any Persons, to the Number of Three or more, armed with Fire-arms or other offensive Weapons, shall, within the United Kingdom, or within the Limits of any Port, Harbour, or Creek thereof, be assembled in order to be aiding and assisting in the illegal landing, running, or carrying away of any prohibited Goods, or any Goods liable to any Duties which have not been paid or secured, or in rescuing or taking away any such Goods as aforesaid after Seizure from the Officer of the Customs, or other Officer authorized to seize the same, or from any Person or Persons employed by them or assisting them, or from the Place where the same shall have been lodged by them, or in rescuing any Person who shall have been apprehended for any of the Offences made Felony by this or any Act relating to the Customs, or in the preventing the Apprehension of any Person who shall have been guilty of such Offence, or in case any Persons, to the Number of Three or more, so armed as aforesaid, shall, within the United Kingdom, or within the Limits of any Port, Harbour, or Creek thereof, be so aiding or assisting, every Person so offending, and every Person aiding, abetting, or assisting therein, shall, being thereof convicted, be adjudged guilty of Felony, and shall be liable, at the Discretion of the Court before which he shall be convicted, to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

LXIV. And

Felonies.

Persons shooting at any Boat belonging to the Navy, or in the Service of the Revenue, deemed guilty of Felony.

LXIV. And be it enacted, That if any Person shall maliciously shoot at any Vessel or Boat belonging to Her Majesty's Navy, or in the Service of the Revenue, within One hundred Leagues of any Part of the Coast of the United Kingdom, or shall maliciously shoot at, maim, or dangerously wound any Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer of Customs or Excise, or any Person acting in his Aid or Assistance, or duly employed for the Prevention of Smuggling, in the due Execution of his Office or Duty, every Person so offending, and every Person aiding, abetting, or assisting therein, shall, being lawfully convicted, be adjudged guilty of Felony; and shall be liable, at the Discretion of the Court before which he shall be convicted, to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

Any Person in company with more than Four others having Goods liable to Forfeiture, or with One other armed or disguised, guilty of Felony.

LXV. And be it enacted, That if any Person being in company with more than Four other Persons be found with any Goods liable to Forfeiture under this or any other Act relating to the Customs or Excise, or in company with One other Person, within Five Miles of the Sea Coast, or of any navigable River leading therefrom, with such Goods, and carrying offensive Arms or Weapons, or disguised in any Way, every such Person shall be adjudged guilty of Felony, and shall, on Conviction of such Offence, be transported as a Felon for the Term of Seven Years.

Officers.

Persons assaulting Officers by Force or Violence may be transported.

LXVI. And be it enacted, That if any Person shall by Force or Violence assault, resist oppose, molest, hinder, or obstruct any Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, in the due Execution of his or their Office or Duty, such Person, being thereof convicted, shall be transported for Seven Years, or sentenced to be imprisoned in any House of Correction or Common Gaol, and kept to hard Labour, for any Term not exceeding Three Years, at the Discretion of the Court before whom the Offender shall be tried and convicted as aforesaid.

Commanding Officers of Vessels in the Service may haul their Vessels on shore without being liable to any Action for so doing.

LXVII. And be it enacted, That it shall and may be lawful to and for the Commanding Officer for the Time being of any Vessel or Boat employed for the Prevention of Smuggling to haul any such Vessel or Boat upon any Part of the Coasts of the United Kingdom, or the Shores, Banks, or Beaches of any River, Creek, or Inlet of the same (not being a Garden or Pleasure Ground, or Place ordinarily used for any Bathing Machine or Machines,) which shall be deemed most convenient for that Purpose, and to moor any such Vessel or Boat on such Part of the aforesaid Coasts, Shores, Banks, and Beaches below High-water Mark, and over which the Tide flows on ordinary Occasions, and to continue such Vessel or Boat so moored as aforesaid for such Time as the said Commanding Officer shall deem necessary and proper; and such Commanding Officer, or

Officers.

Person or Persons acting under his Direction, shall not be liable to any Indictment, Action, or Suit for so doing, any Law, Statute, Custom, or Usage to the contrary notwithstanding.

Officers of the Army, &c. may patrol the Coasts of the United Kingdom without being liable to Action.

LXVIII. And be it enacted, That it shall be lawful to and for any Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or for any Officer of Customs or Excise, or any Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, when on Duty to patrol upon and pass freely along and over any Part of the Coasts of the United Kingdom, or the Shores or Banks of any River, Creek, or Inlet of the same, (not being a Garden or Pleasure Ground,) and any such Officer or Person so patrolling shall not be liable to any Indictment, Action, or Suit for so doing, any Law, Statute, Custom or Usage to the contrary notwithstanding.

Officers, if wounded in the Service of the Customs, to be provided for, &c.

LXIX. And be it enacted, That in all Cases when any Officer or Seaman employed in the Service of the Customs or Excise shall be killed, maimed, wounded, or in any way injured in the due Execution of his Office, or if any Person acting in his Aid, or duly employed for the Prevention of Smuggling, shall be so killed, maimed, wounded, or in any way injured while so aiding such Officer or Seaman, or so employed, it shall and may be lawful for the Commissioners of Her Majesty's Customs and Excise respectively to make such Provision for the Officer or Person so maimed, wounded, or injured as aforesaid, or for the Widows and Families of such as shall be killed, as they shall be authorized and empowered to do by Warrant from the Commissioners of Her Majesty's Treasury for the Time being.

Vessels and Goods seized may be disposed of as Commissioners of Customs direct.

LXX. And be it enacted, That all Vessels and Boats and all Goods whatsoever which shall have been seized and condemned for Breach of any Law relating to the Customs shall be disposed of, as soon as conveniently may be after the Condemnation thereof, in such Manner as the Commissioners of Her Majesty's Customs shall direct.

Rewards.

Rewards to Officers for detaining Smugglers.

LXXI. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized and empowered, to award to any Officer or other Person detaining any Person liable to Detention under this or any other Act relating to the Customs, to be paid upon the Conviction of such Person, any Reward they may think fit to direct, not exceeding the Sum of Twenty Pounds for each Person.

Rewards to Officers where pecuniary Penalties are recovered.

LXXII. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized, to order the following Reward to be paid to any Officer or Officers or Persons as aforesaid by whose Means any pecuniary Penalty or Composition is recovered; (that is to say,) One Third Part of the Penalty or Sum recovered, except in Seizures of Silk Goods, in which Case the Officers or other Persons may receive One Half the Penalty or Sum recovered.

LXXIII. And

Officers.

Rewards to Officers making Seizures.

LXXIII. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized, to order to be paid in respect of any Seizure made under this or any Act relating to the Customs, or to Trade and Navigation, to the Person or Persons making the same, the following Rewards; (that is to say,)

In the Case of Seizures of Spirits or Tobacco:—

If all the Parties concerned in the Act which occasions the Seizure, being above the Age of Sixteen Years, are detained and convicted, the whole Value thereof, such Value to be fixed and settled by the Lords of the Treasury, or by the Commissioners of Her Majesty's Customs, as herein-after directed:

If Two or more of such Parties, not being the whole, are so detained and convicted, Seven Eighths of such Value:

If One such Party, not being the whole of them, is so detained and convicted, Five Eighths of such Value:

If One such Party, not being the whole of them, is detained and convicted, and the Vessel or Means of Conveyance is or are seized and condemned, Three Fourths of such Value:

If the Vessel or Means of Conveyance is seized and condemned without any Person being detained, One Third of such Value:

If all the Goods are seized, and all the Parties concerned as aforesaid are subsequently convicted in consequence of such Seizure, and by the Exertion of the Seizors, One Half of such Value:

If the Goods only are seized, One Eighth or such other Part as the Commissioners of the Customs shall think proper, not exceeding One Fourth of such Value:

In the Case of Seizures of other Goods, not Silks:—

If the Vessel or other Means of Conveyance is or are seized and condemned, or if any Person is prosecuted to Conviction on account of the same, One Half of the Produce, exclusive of the Duties:

If the Goods only, One Fourth of such Produce:

In the Case of damaged Tobacco, Snuff, or other Goods destroyed, such Reward as the Lords of the Treasury or the Commissioners of Her Majesty's Customs may think proper to direct, not exceeding a Moiety of the Duty payable on such Goods in case the same had been sold for Home Consumption:

In the Case of Seizures of Silk Goods, the whole Value of such Goods, exclusive of the Duty thereon:

In the Case of Seizures of Vessels and Boats:—

If sold, a Moiety of the Produce:

If taken into the Public Service or broken up, a Moiety of the Value:

In the Case of Seizures of Cattle and Carriages:—

In all Cases, Three Fourths of the Produce of the Sale.

The Treasury or Commissioners of Customs to

LXXIV. Provided always, and be it enacted, That the Value of Spirits and Tobacco seized as aforesaid shall in all Cases be deemed and taken

fix the Value of Spirits and Tobacco.

taken to be such as the Lords of the Treasury or the Commissioners of Her Majesty's Customs may think fit to fix the same at *per* Gallon or *per* Pound Weight, for the Purpose of rewarding the said Officer as aforesaid; and that all the before-mentioned Rewards shall be paid subject to a Deduction of Ten Pounds *per Centum* on account of Law Charges and other Expences.

Rewards subject to Deduction.

All Rewards and Seizures payable to Officers of Army, Navy, or Marines to be regulated by Her Majesty's Orders in Council.

LXXV. And be it enacted, That every such Reward, or Part or Share of any such Seizure, or of the Value thereof, as shall be payable to any Officer or Officers, Non-commissioned Officers, Petty Officers, Seamen, or Privates of Her Majesty's Army, Navy, or Marines, or acting under the Orders of the Lord High Admiral or Commissioners of the Admiralty, shall be divided and distributed in such Proportions, and according to such Rules, Regulations, and Orders, as Her Majesty shall, by Her Order or Orders in Council, or by Her Royal Proclamation in that Behalf, be pleased to direct and appoint.

Commissioners may distribute Officers Shares of Seizure in certain Cases, so as to reward Persons not actually present.

LXXVI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs or Excise respectively, and they are hereby authorized, in case of any Seizure of Vessels, Boats, or Goods, or of the Apprehension of any Parties under this or any other Act relating to the Customs, to direct the Distribution of the Seizor's Share of such Vessels, Boats, or Goods, or of any Penalties or Rewards that may be recovered on account of any Seizure, in such Manner as to enable any Officer or Officers or other Person or Persons through whose Information or Means such Seizure shall have been made, or Penalty recovered, or Party apprehended, and who may by them be deemed to be so entitled, to participate in such Proportions as the said Commissioners shall respectively deem expedient.

In case Officers act negligently or collusively, the Seizure to be applied to Her Majesty's Use.

LXXVII. And be it enacted, That upon Proof being made to the Satisfaction of the Commissioners of Her Majesty's Customs or Excise that any Officer or Officers or Person or Persons as aforesaid shall have acted collusively or negligently in the making of any Seizure, or in the Apprehension of any Party, it shall be lawful for the said Commissioners to direct that the whole or any Part of the Proportion of such Seizure be applied to the Use of Her Majesty.

No Subject of Her Majesty, except Officers, to take up Spirits in small Casks sunk or floating upon the Sea.

LXXVIII. And be it enacted, That no Person or Persons whatsoever being a Subject or Subjects of Her Majesty, other than an Officer or Officers of the Navy, Customs, or Excise, or some Person or Persons authorized in that Behalf, shall intermeddle with or take up any Spirits, being in Casks of less Content than Twenty Gallons, which may be found floating upon or sunk in the Sea within One hundred Leagues of the United Kingdom; and that if any Spirits shall be so intermeddled with or taken up, the same shall be forfeited, together with any Vessel or Boat in which they are found.

Rewards to Persons giving Information of Goods floating

LXXIX. Provided always, and be it enacted, That if any Person or Persons shall discover any Spirits, being in Casks of less Content than Twenty Gallons, which may be found floating upon or sunk in the Sea, and shall give Information to any Officer of the Customs,

or

or other Person or Persons duly authorized to make Seizure of such Spirits, so that Seizure shall be made of the same, the Person or Persons giving such Information shall be entitled to and shall receive such Reward as the Commissioners of Her Majesty's Customs may deem it expedient to direct.

upon or sunk in the Sea.

LXXX. And be it enacted, That for the necessary Subsistence of any poor Person confined in any Prison in the United Kingdom or in the *Isle of Man*, under or by virtue of any Exchequer or other Process for the Recovery of any Duties or Penalties, either upon Bond or otherwise, under this or any other Act relating to the Customs or Excise, sued for under or by virtue of any Order of the Commissioners of Her Majesty's Customs or Excise, it shall and may be lawful to and for the said Commissioners respectively to cause an Allowance, not exceeding the Sum of Seven-pence Halfpenny and not less than Four-pence Halfpenny *per* Day, to be made to any such poor Person out of any Money in their Hands arising from the Duties of Customs or Excise, as the Case may require.

Allowance to poor Persons confined for Offences against Laws of Customs or Excise.

LXXXI. And be it enacted, That the actual Expences incurred by any County, City, Borough, Liberty, Division, Franchise, or Town Corporate, in consequence of the Commitment of any Person to hard Labour under this or any Act or Acts relating to the Customs, shall be repaid out of the Consolidated Customs by Warrant of the Commissioners of Her Majesty's Treasury, or any Two or more of them, in such Manner and to such Amount as they shall think fit to direct.

Actual Expences incurred by the Commitment of Smugglers to hard Labour to be paid out of Consolidated Customs.

Jurisdiction.

LXXXII. And be it enacted, That all Penalties and Forfeitures incurred or imposed by this or any Act relating to the Customs, or to Trade or Navigation, shall and may be sued for, prosecuted, and recovered by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record at *Westminster*, or at *Dublin*, or at *Edinburgh*, or in the Royal Courts of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, in the Name of Her Majesty's Attorney General or of the Lord Advocate of *Scotland*, or in the Name or Names of some Officer or Officers of Her Majesty's Customs, or by Information before any Two or more of Her Majesty's Justices of the Peace in the United Kingdom or the *Isle of Man*, or before any Governor, Deputy Governor, or Deemster in the *Isle of Man*.

Penalties and Forfeitures how to be sued for.

LXXXIII. And be it enacted, That upon the exhibiting any Information before any Justice of the Peace of any Offence against this or any Act relating to the Customs, or to Trade or Navigation, for which Offence the Party charged is not liable to be detained in manner herein-before mentioned, such Justice is hereby required to issue a Summons for the Appearance of the Party against whom such Information is exhibited before Two Justices of the Peace; and such Summons, directed to such Party, being left either at his or her last known Place of Residence, or on board any Ship or Vessel to which such Party may belong or may have lately belonged, shall be deemed to have been sufficiently served.

Justices may summon Offender, and the Summons may be left at his last Place of Residence, or on board any Ship to which he belongs.

Jurisdiction.

Two Justices may, upon the Appearance or Default of the Party, proceed to the Hearing and Conviction.

LXXXIV. And be it enacted, That upon the Appearance of any Party so summoned, or in case of his or her Default, then upon Proof to the Satisfaction of the Justices that the Party was duly summoned in manner aforesaid, it shall be lawful for any Two Justices of the Peace to proceed to the Examination of the Matter contained in such Information, and upon due Proof thereof, either upon the Confession of the Party, or upon the Oath of One or more credible Witness or Witnesses, to convict such Party of the Offence charged in such Information; and in case of the Nonpayment of any Penalty or Penalties which such Party may have incurred for such Offence, such Justices, or One of them, or any other Justice or Justices of the Peace, are hereby authorized, by Warrant under Hand and Seal, to commit such Party to any of Her Majesty's Gaols within their or his Jurisdiction, there to remain until the Penalty or Penalties shall be paid; and such Justice or Justices are hereby also authorized and required, when such Party is convicted of any Offence for which the Punishment of hard Labour is inflicted, to commit such Party by such Warrant to the next House of Correction, there to be kept to hard Labour for such Time as he or they shall be authorized to do by this or any Act or Acts relating to the Customs.

Power to commit.

Warrants.

LXXXV. And be it enacted, That such Warrants shall and may be executed in any Part of the United Kingdom.

Justices empowered to mitigate Penalty in certain Cases.

LXXXVI. And be it enacted, That where any Party shall or may be convicted before any Two or more of Her Majesty's Justices of the Peace as aforesaid in any Penalty or Penalties incurred as aforesaid, except as is herein-after provided, it shall and may be lawful for the said Justices, in Cases where, upon consideration of the Circumstances, they shall deem it expedient so to do, and for a first Offence only, to mitigate the Payment of the said Penalty or Penalties, so as the Sum to be paid by such Party be not less than One Fourth of the Amount of the Penalty in which such Party shall have been convicted.

As to Persons committed for Penalties under 100*l.*

LXXXVII. And be it enacted, That where any Person shall have been so committed by any Justices or Justice of the Peace to any Prison for Nonpayment of any Penalty less than One hundred Pounds, the Gaoler or Keeper of such Prison is hereby authorized and required to discharge such Person at the End of Six Calendar Months from the Commencement of such Imprisonment.

Persons detained for the Offences herein mentioned may be convicted by Justices, and committed for Nonpayment of Penalty, or to hard Labour.

LXXXVIII. And be it enacted, That it shall and may be lawful for any Two or more Justices of the Peace before whom any Person liable to be detained, and who shall have been detained, for any Offence against this or any Act relating to the Customs, shall be brought, either on the Confession of such Person of such Offence, or on Proof thereof upon the Oath or Oaths of One or more credible Witness or Witnesses, to convict such Person of any such Offence; and every such Person so convicted as aforesaid shall immediately upon such Conviction pay into the Hands of such Justices, for the Use of Her Majesty, the Penalty of One hundred Pounds, without any Mitigation whatever for any such Offence of which he shall be so convicted

victed as aforesaid, or in default thereof the said Justices shall and they are hereby respectively authorized, by Warrant under their Hands and Seals, to commit such Person so convicted as aforesaid, and making such Default as aforesaid, to any Gaol or Prison, there to remain until such Penalty shall be paid; and such Justices are hereby also authorized and required, when any such Person is convicted of any Offence for which the Punishment of hard Labour is inflicted, to commit such Person to the next House of Correction, there to be kept to hard Labour for such Time as they shall be authorized to do by this or any other Act or Acts relating to the Customs. *Jurisdiction.*

Justices may order Imprisonment in default of Payment of Penalty, with hard Labour.

LXXXIX. And be it enacted, That where any Person shall have been convicted before any Two Justices of the Peace of any Offence for which any Penalty shall have been inflicted by this or any other Act or Acts relating to the Customs, it shall and may be lawful for the said Justices, if they shall think fit, to order and adjudge that such Person shall, in default of paying such Penalty, be imprisoned for the first of such Offences in any of Her Majesty's Gaols within their Jurisdiction for a Period of not less than Six nor more than Nine Calendar Months; and if such Party shall have been before convicted of any Offence against this or any other Act or Acts relating to the Customs, it shall and may be lawful for the said Justices, if they shall think fit, to order and adjudge that such Person be imprisoned in any House of Correction and there kept to hard Labour for any Period not less than Six nor more than Twelve Calendar Months.

Justices of limited Jurisdiction not having Houses of Correction to commit to the one nearest to them.

XC. And be it enacted, That when any Person shall have been duly convicted of any Offence against this or any Act or Acts relating to the Customs for which such Person is liable to be sentenced to hard Labour, and such Conviction shall take place before any Two Justices of the Peace within whose Jurisdiction there is no House of Correction, it shall and may be lawful for such Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offenders to any of Her Majesty's Gaols within their Jurisdiction wherein the Sentence of hard Labour is or can be executed, or to the House of Correction nearest to the Place where such Offender is convicted, for such Time as is herein set forth for a First, Second, and Third Offence respectively; and the Governor or Keeper of such Gaol or House of Correction is hereby required to receive such Offender, and to obey such Warrant in all respects as if such Gaol or House of Correction was within the Jurisdiction of such Justices.

Justices may commute the Sentence of hard Labour to Imprisonment only where the Offender is a Female, or is incapable of hard La-

XCI. And be it enacted, That where any Person shall have been convicted of any Offence against this or any Act or Acts relating to the Customs for which such Persons would be liable to be committed to hard Labour, it shall and may be lawful for the Justices before whom such Person is so convicted, provided such Person is a Female, or provided it appears to such Justices that such Person is from Age or Sickness incapable of hard Labour, to order and adjudge that such Person shall, in lieu of being committed to hard Labour, be imprisoned in any of Her Majesty's Gaols within their Jurisdiction for

bour from Age or Sickness.

for the Length of Time to which such Person would have been liable to be kept to hard Labour: Provided always, that in all such Cases the Cause of Mitigation shall be stated in the Warrant of Commitment.

Period of Confinement may, after Commitment be extended, with hard Labour in case of Discovery of a prior Conviction for a similar Offence.

XCII. And be it enacted, That when any Person shall have been convicted before any Two Justices of the Peace of any Offence against this or any Act relating to the Customs for which such Person is liable to be committed to hard Labour, and it shall at any Time during such Imprisonment be made appear to the said or any other Two Justices, in the Presence of such Person, that such Person had been before convicted of any such Offence, it shall be lawful for such Justices and they are hereby required to commit such Offender to some House of Correction, to be kept to hard Labour for any Period not less than Nine nor greater than Twelve Calendar Months in the whole from the Date of the first Commitment, and to amend the Warrant of Commitment accordingly: Provided always, that any Gaoler in whose Custody such Person shall be shall, upon a written Order signed by any Justice of the Peace, produce such Person before such last-mentioned Justices for the Purpose last aforesaid.

Amended Warrant.

XCIII. And be it enacted, That it shall not be necessary in such amended Warrant of Commitment to state or refer to the former Conviction.

Married Women may be committed to Prison.

XCIV. And be it enacted and declared, That where any Person being a married Woman shall be convicted before Two Justices of the Peace of any Offence against this or any other Act relating to the Customs, such Person shall, in default of paying any Penalty which she may have incurred, be liable to be committed to Prison.

Offences on the High Seas deemed to have been committed at the Place into which the Offender is brought, or in which he is found.

XCV. And be it enacted, That in case any Offence shall be committed upon the High Seas against this or any other Act relating to the Customs, or any Penalty or Forfeiture shall be incurred upon the High Seas for any Breach of such Act, such Offence shall, for the Purpose of Prosecution, be deemed and taken to have been committed, and such Penalties and Forfeitures to have been incurred, at the Place on Land in the United Kingdom or the *Isle of Man* into which the Person committing such Offence, or incurring such Penalty or Forfeiture, shall be taken, brought, or carried, or in which such Person shall be found, and in case such Place on Land is situated within any City, Borough, Liberty, Division, Franchise, or Town Corporate, as well any Justice or Justices of the Peace for such City, Borough, Liberty, Division, Franchise, or Town Corporate, as any Justice of the Peace of the County within which such City, Borough, Liberty, Division, Franchise, or Town Corporate is situated, shall have Jurisdiction to hear and determine all Cases of Offences against such Act so committed upon the High Seas, any Charter or Act of Parliament to the contrary notwithstanding; Provided always, that where any Offence shall be committed in any Place upon the Water not being within any County of the United Kingdom, or where any Doubt exists as to the same being within any County, such Offence shall, for the

the Purposes of this Act, be deemed and taken to be an Offence committed upon the High Seas. *Jurisdiction.*

As to Jurisdiction in Boroughs, &c.

XCVI. And be it enacted, That where any Offence against this or any Act relating to the Customs shall be committed in any City, Borough, Liberty, Division, Franchise, or Town Corporate, as well any Justice or Justices of the said City, Borough, Liberty, Division, Franchise, or Town Corporate, as any Justices of any County within which such City, Borough, Liberty, Division, Franchise, or Town Corporate is situated, shall have Jurisdiction to hear and determine the same.

A Magistrate of an adjoining County, with One of the County where Offence committed, may hear Informations.

XCVII. And be it enacted, That when the Attendance of Two Magistrates having Jurisdiction in the County where the Offence is committed cannot be conveniently obtained, it shall be lawful for a Magistrate of any adjoining County, with One Magistrate of the County in which the Offence was committed or deemed to have been committed, to hear and determine any Information exhibited before them, and to have the same Powers and Authorities in all respects as to any Proceeding had under this or any other Act relating to the Customs as if they were both Magistrates for the County in which the Offence was committed.

Mode of proceeding before Justices for the Condemnation of seized Goods.

XCVIII. And be it enacted, That when any Information shall have been exhibited before any Justice of the Peace for the Forfeiture of any Goods whatsoever seized under this or any Act relating to this Customs, it shall be lawful for the said Justice, and he is hereby authorized and required, to summon the Party to whom such Goods belonged, or from whom they were seized, to appear before any Two Justices of the Peace; and such Summons, directed to such Party, being left either at his or her last known Place of Residence, or on board any Ship to which such Party may belong, shall be deemed to have been sufficiently served; and upon his, her, or their Appearance or Default any Two Justices may proceed to the Examination of the Matter, and upon due Proof that the said Goods are liable to Forfeiture under this or any Act relating to the Customs may condemn the said Goods.

All Vessels, Boats, and Goods seized under any Laws of Customs, and ordered to be prosecuted, shall be deemed to be condemned, unless the Owner gives Notice that he intends to claim.

XCIX. And be it enacted, That all Vessels, Boats, and Goods which shall have been or shall be hereafter seized as forfeited under any Law relating to the Customs, and which shall have been or shall hereafter be ordered to be prosecuted by the Commissioners of Her Majesty's Customs, shall be deemed and taken to be condemned, and may be sold in the Manner directed by Law in respect to Vessels, Boats, and Goods seized and condemned for Breach of any Law relating to the Customs, unless the Person from whom such Vessels, Boats, and Goods shall have been seized, or the Owner of them, or some Person authorized by him, shall, within One Calendar Month from the Day of seizing the same, give Notice in Writing, if in *London*, to the Person seizing the same, or to the Secretary or Solicitor for the Customs, and if elsewhere to the Person seizing the same, or to the Collector and Comptroller or other chief Officer of the Customs

Jurisdiction.

toms at the nearest Port, that he claims the Vessel, Boat, or Goods, or intends to claim them.

Powers of Justices to be exercised by Governor or Deemsters or Justices of the Isle of Man.

C. And be it enacted, That all the Powers vested in any Justices or Justice of the Peace by virtue of this Act shall be and the same are hereby vested in and may be exercised in the *Isle of Man* by any Governor, Deputy Governor, or Deemster of the said Island, or by any Two Justices of the Peace in and for the said Island, so far as regards Offences committed against or Penalties or Forfeitures incurred under this or any Act or Acts relating to the Customs.

Writs of Certiorari and Writs of Habeas corpus not to be issued except on an Affidavit;

CI. And be it enacted, That no Writ of Certiorari shall issue to remove any Proceedings before any Justice or Justices of the Peace under this or any Act relating to the Customs, nor shall any Writ of Habeas corpus issue to bring up the Body of any Person who shall have been convicted before any Justice or Justices of the Peace under any such Act, unless the Party against whom such Proceeding shall have been directed, or who shall have been so convicted, or his Attorney or Agent, shall state in an Affidavit in Writing, to be duly sworn, the Grounds of Objection to such Proceedings or Conviction, and that upon the Return to such Writ of Certiorari or Habeas corpus no Objection shall be taken or considered other than such as shall have been stated in such Affidavit; and that it shall be lawful for any Justice or Justices of the Peace, and they are hereby required, to amend any Information, Conviction, or Warrant of Commitment for any Offence under any such Act, at any Time, whether before or after Conviction.

any Justice may amend Informations, Warrants of Commitment, and Convictions.

Writ of Habeas corpus not to issue without Notice to the Solicitor for the Customs.

CII. And be it enacted, That no such Writ shall issue without Notice in Writing of the issuing thereof to the Solicitor for the Customs, and that no Return to any such Writ shall be considered by any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, or by any of Her Majesty's Judges of any of the said Courts, unless there shall be produced to such Court or Judge an Affidavit in Writing, duly sworn, stating that Notice of the issuing of such Writ was given to the Solicitor for the Customs or left at his Office Four clear Days before the Return of such Writ, and that with respect to all such Writs there shall be an Interval of Four clear Days at least between the Day on which they issue and the Day on which they are returnable, and any such Writ issuing without such Notice, and not being in conformity to the Directions herein contained, shall be void to all Intents and Purposes whatsoever.

Informations to be in the Words of the Act.

CIII. And be it enacted, That every Information preferred to enforce any Punishment, Penalty, or Forfeiture for any Offence committed against this or any Act or Acts relating to the Customs, and every Conviction or Warrant of Commitment for any such Offence, shall be deemed valid and sufficient, in which the Offence for which such Punishment or Penalty shall have been inflicted, or the Cause of such Forfeiture, is set forth in the Words of the Act or Acts by which such Punishment or Penalty has been inflicted, or under which such Forfeiture has been incurred; and that no Warrant of Commitment for any such Offence shall be held void by reason of

Parties not to be discharged upon Defects

any Defect in such Warrant, nor shall any Party be entitled to be discharged out of Custody on account of any such Defect, provided it be alleged in such Warrant that the said Party has been convicted of such an Offence, and provided it shall appear to the Court or Judge before whom such Warrant is returned that such Conviction proceeded upon good and valid Grounds. in Warrants, provided Conviction took place upon good Grounds.

CIV. And be it enacted, That when by any Act relating to the Customs a Penalty is imposed upon every Person committing or concerned in the Act by which such Penalty is incurred, and such Offence shall have been committed by several Persons jointly, or several Persons shall have been concerned in the same, such several Persons shall jointly and severally incur every such Penalty; and it shall be lawful to proceed against such Persons to recover such Penalties jointly by one Information or severally by separate Informations, as the Attorney General or the Commissioners of Her Majesty's Customs respectively may deem expedient. Several Persons concerned in the same Offence may be sued by One Information.

CV. And be it enacted, That when any Verdict shall pass against any Person in any of Her Majesty's Courts of Record for any Offence for which any pecuniary Penalty shall have been inflicted by this or any Act relating to the Customs, and such Person shall have before been duly convicted, either by Verdict in any of Her Majesty's Courts of Record or otherwise, of any such Offence, it shall and may be lawful for the Judge or Judges of the said Court in which such Person shall be so convicted to order and adjudge that such Person shall, in lieu of any Penalty, be imprisoned in any House of Correction for any Period not less than Six nor more than Twelve Calendar Months; and the Governor or Keeper of any House of Correction is hereby required to receive any Person committed under any such Order or Judgment. Persons having been before convicted of an Offence against the Customs may, upon a Verdict passing against them, be imprisoned in House of Correction.

CVI. And be it enacted, That when any Writ of Capias shall hereafter issue against any Person for any such Offence as is herein-before lastly mentioned, and such Person shall before have been convicted of any such Offence, such Writ shall issue, and such Person shall be held to Bail for the full Amount of the Penalty sought to be recovered against him. Persons previously convicted may be held to Bail for full Amount of Penalty.

CVII. And be it enacted, That all Informations exhibited before any Justice or Justices of the Peace for any Offence committed against this or any other Act relating to the Customs, and all Convictions for such Offences, and all Warrants of any Justice or Justices of the Peace founded upon such Convictions, shall be drawn respectively in the Form or to the Effect in the Schedule to this Act annexed. Informations, Convictions, &c. to be in the Form, &c. in Schedule.

CVIII. And be it enacted, That all Penalties and Forfeitures which may be recovered before any Justice or Justices of the Peace under this or any other Act relating to the Customs or Excise, on any Prosecution by Order of the Commissioners of Customs, shall be paid to the Commissioners of Her Majesty's Customs, and on any Prosecution by Order of the Commissioners of Excise shall be paid to the Commissioners of Her Majesty's Excise, or to the Person appointed by Penalties and Forfeitures to be paid to Commissioners of Customs or Excise, and applied as the Law directs.

Jurisdiction.

by them respectively to receive the same; and such Penalties and Forfeitures shall be applied by the said Commissioners respectively in such Manner as the Law directs, any thing contained in any Act now in force or hereafter to be made to the contrary in anywise notwithstanding.

Capias may issue against Persons sued under this Act who are to give Bail.

CIX. And be it enacted, That whenever any Penalty shall be sued for as aforesaid by Information against any Person in any of Her Majesty's Courts of Record at *Westminster* or at *Dublin*, or at *Edinburgh*, a Capias may thereupon issue as the first Process, specifying the Amount of the Penalty sued for, and such Person against whom such Capias shall issue shall be obliged to give sufficient Bail or Security, by natural-born Subjects or Denizens, to the Person or Persons to whom such Capias shall be directed, to appear in the Court out of which such Capias shall issue at the Day of the Return of such Writ, to answer such Suit and Prosecution, and shall likewise at the Time of such appearing give sufficient Bail or Security, by such Persons as aforesaid, in the said Court, to answer and pay all the Forfeitures and Penalties incurred for such Offence or Offences, in case he, she or they shall be convicted thereof, or to yield his, her or their Body or Bodies to Prison.

Persons in Gaol not appearing or pleading to the Information, Judgment may be entered by default.

CX. And be it enacted, That if any Person against whom a Capias shall issue out of any of Her Majesty's Courts of Record as aforesaid shall be arrested upon such Capias, and taken to Prison for Want of sufficient Bail, a Copy of the Information exhibited against such Person shall be served upon him or her in Gaol, or delivered to the Gaoler, Keeper, or Turnkey of the Prison in which such Person shall be confined, and if such Person shall neglect or refuse to appear or plead to the said Information for the Space of Twenty Days, Judgment shall be entered by Default; and in case Judgment shall be obtained against any such Person or Persons, by Default, Verdict, or otherwise, and such Persons or Person shall not pay the Sum recovered against him, her, or them for his, her, or their Offence, Execution shall be thereupon awarded and issued, not only against the Body or Bodies of the Person or Persons so in Prison as aforesaid, but against all the Real and Personal Estates of such Person or Persons, for such Sum or Sums of Money so as aforesaid recovered against him, her, or them.

Persons not worth 5*l.* may defend Suits in *forma Pauperis*.

CXI. And be it enacted, That in case any Person arrested and imprisoned by virtue of any Writ of Capias as aforesaid shall make Affidavit before the Judge or Judges of the Court where the Information shall be brought, or before any other Person commissioned to take Affidavits in such Court, that he or she is not worth, over and above his or her Wearing Apparel, the Sum of Five Pounds, (which said Affidavit the said Judge or Judges of such Court and such Person so commissioned is and are hereby authorized and required so to take), and such Person shall thereupon petition such Court to defend himself or herself against such Information *in formâ pauperis*, the Judge or Judges of such Court shall, according to their Discretion, admit such Person to defend himself or herself against such Information in the same Manner and with the same Privileges as the

Judges

Judges of such Court are by Law directed and authorized to admit poor Subjects to commence Actions for the Recovery of their Rights; and for that End and Purpose it shall be lawful for any Judge or Judges of such Court to assign Counsel learned in the Law, and to appoint an Attorney and Clerk of such Court, to advise and carry on any legal Defence that such Person can make against such Action or Information, and which said Counsel, Attorney, and Clerk so assigned and appointed is and are hereby required to give his and their Advice and Assistance to such Person, and to do their Duties, without Fee or Reward. *Jurisdiction.*

Sheriff to grant special Warrant on Writ of Capias being endorsed by the Solicitor for the Customs.

CXII. And be it enacted, That where any Writ of Capias or other Process shall issue out of any Court, directed to any Sheriff, Mayor, Bailiff, or other Person having the Execution of Process in any County, City, Borough, or Liberty, against any Person who shall be charged with any Offence against this or any Act relating to the Customs, every such Sheriff, Mayor, or Bailiff, and other Person having Execution of Process as aforesaid, and their and every of their Under Sheriffs, Deputies, and other Persons acting for them in the said Office and Offices respectively, shall and are hereby required and enjoined, upon the Request or Application of the Solicitor for the Customs, or any Person acting in his Behalf, (such Request to be in Writing, and endorsed upon the Back of the said Process, and signed by such Solicitor, with his Name and Addition of Solicitor for the Customs, or by such other Person, stating his Authority,) to grant a special Warrant or Warrants to such Person or Persons as shall be named to them by such Solicitor or other Person for the apprehending such Offender or Offenders, or in default thereof every such Sheriff, Mayor, Bailiff, Under Sheriff, and other Person acting in the said Office or Offices respectively shall be subject and liable to such Process of Contempt, Fines, Amerciaments, Penalties, and as they or any of them are now by any Law, Custom, or Usage liable to in case of refusing or neglecting to execute the like Process where the Defendant might have been taken thereupon in the common and usual Method of Proceeding.

Sheriff indemnified from Escapes in Cases where Warrants are granted at the Request of Solicitor for the Customs, or any Person acting in his Behalf, and Gaolers required to receive Offenders.

CXIII. And be it enacted, That all and every such Sheriff, Mayor, Bailiff, Under Sheriff, and other Persons so granting or making out such special Warrant as aforesaid shall be and they are hereby saved harmless and indemnified against Her Majesty, Her Heirs and Successors, and against all and every other Person or Persons whomsoever, of and from all Escapes of any Person or Persons who shall or may be taken by virtue of any such Warrant as aforesaid which shall or may happen from the Time of taking such Offender or Offenders till he, she, or they shall be committed to the proper Gaol or Prison, or be offered and tendered to the Gaol-keeper or other Person having charge of such Gaol or Prison (who is hereby enjoined and required to receive every such Person or Persons so apprehended as aforesaid, and give a Receipt for his, her, or their Body or Bodies), and of and from all Actions, Prosecutions, Process of Contempt, and other Proceedings for or by reason of such Escape, any Law, Custom, or Usage to the contrary notwithstanding.

CXIV. And

Jurisdiction.

No Claim or Appearance to be entered to any Information for the Forfeiture of seized Goods, unless in the Name of the Owners, and Oath made to the Property.

CXIV. And be it enacted, That no Claims shall be permitted to be entered to, and no Appearance shall be permitted to be entered to, any Information filed for the Forfeiture of any Vessel, Boat, or Goods seized for any Cause of Forfeiture, and returned into any of Her Majesty's Courts of Record in the United Kingdom or the *Isle of Man*, unless such Claim or Appearance is entered in the true and real Name or Names of the Owner or Owners, Proprietor or Proprietors of such Vessel, Boat, or Goods, describing the Place of Residence and the Business or Profession of such Person or Persons; and if such Person or Persons shall reside at *London*, *Edinburgh*, or *Dublin*, or within the Liberties thereof, Oath shall be made by him, her, or them before One of the Judges of the Court into which the said Vessel, Boat, or Goods are returned, or in which such Information is filed, that the said Vessel, Boat, or Goods was or were really and truly the Property of him, her, or them at the Time of such Seizure; but if such Person or Persons shall not be resident in *London*, *Edinburgh*, or *Dublin*, or the Liberties thereof, then and in such Case Oath shall be made in like Manner by the Agent, Attorney, or Solicitor by whom such Claim or Appearance shall be entered, that he has full Power and legal Authority and Directions from such Owners or Proprietors to enter such Claim or Appearance, and that to the best of his Knowledge and Belief such Vessel, Boat, or Goods were at the Time of the Seizure thereof *bonâ fide* and truly the real Property of the Person or Persons in whose Name or Names such Claim or Appearance is entered; and on failure thereof the Vessel, Boat, or Goods shall be absolutely condemned, and Judgment shall be entered thereon by Default, according to the usual Method of Proceedings of the Court, in the same Manner as if no Claim or Appearance had been entered into; and every Person who shall be convicted of making or taking a false Oath to any of the Facts herein-before directed or required to be sworn shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties to which Persons are liable for wilful and corrupt Perjury.

Owners to give Security for Costs occasioned by the Claim or Appearance.

CXV. And be it enacted, That upon the Entry of any Claim to any Boat or Vessel or to any Goods seized for any Cause of Forfeiture, or of any Appearance to any Information filed for such Forfeiture, the Person or Persons who shall enter such Claim or Appearance as the Owner or Proprietor thereof (in case such Claimant shall reside in the United Kingdom) shall be bound, with Two other sufficient Sureties, in the Penalty of One hundred Pounds, to answer and pay the Costs occasioned by such Claim or Appearance; and if such Owner or Proprietor shall not reside in the United Kingdom, then and in such Case the Attorney or Solicitor by whose Direction such Claim or Appearance shall be entered shall in like Manner be bound, with Two other sufficient Sureties, in the like Penalty, to answer and pay the Costs occasioned by such Claim or Appearance.

If Suit brought on account of Seizure, and the Judge

CXVI. And be it enacted, That in case any Information or Suit shall be commenced or brought to Trial on account of the Seizure of any Vessel, Boat, or Goods, Merchandizes or Commodities whatsoever, or any Horses or other Animals, or any Carriage seized as

forfeited by this or any Act relating to the Customs, wherein a Verdict shall be found for the Claimant thereof, and it shall appear to the Judge or Court before whom the same shall have been tried that there was a probable Cause of Seizure, such Judge or Court shall certify on the Record that there was such probable Cause, and in such Case the Person or Persons who made such Seizure shall not be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and in case any Action, Indictment, or other Suit or Prosecution shall be commenced and brought to Trial against any Person or Persons whomsoever on account of any such Seizure as aforesaid, wherein a Verdict shall be given against the Defendants or Defendant, if the Court or Judge before whom such Information or Suit shall have been tried shall have certified on the said Record that there was a probable Cause for such Seizure, then the Plaintiff, besides the Things seized or the Value thereof, shall not be entitled to above Two-pence Damages, nor to any Costs of Suit, nor shall the Defendant or Defendants in such Prosecution be fined above One Shilling.

shall certify that there was probable Cause, Plaintiff to have 2d. Damages, and Defendant fined not more than 1s.

CXVII. And be it enacted, That no Writ shall be sued out against, nor a Copy of any Process served upon, any Officer of the Army, Navy, Marines, Customs, or Excise, or against any Person acting under the Direction of the Commissioners of Her Majesty's Customs, for any thing done in the Execution of or by reason of his Office, until One Calendar Month next after Notice in Writing shall have been delivered to him, or left at his usual Place of Abode, by the Attorney or Agent for the Party who intends to sue out such Writ or Process as aforesaid, in which Notice shall be clearly and explicitly contained the Cause of Action, the Name and Place of Abode of the Person who is to bring such Action, and the Name and Place of Abode of the Attorney or Agent; and that a Fee of Twenty Shillings shall be paid for the preparing and serving of every such Notice, and no more.

No Process to be sued out against any Officer making Seizure until One Calendar Month next after Notice given.

CXVIII. Provided always, and be it enacted, That no Plaintiff in any Case when an Action shall be grounded on any such Act done by the Defendant shall be permitted to produce any Evidence of the Cause of such Action, except such as shall be contained in the Notice to be given as aforesaid, or shall receive any Verdict against such Officer or Person, unless he shall prove on the Trial of such Action that such Notice was given; and in default of such Proof the Defendant in such Action shall receive a Verdict, with Costs, as herein-after mentioned.

No Evidence to be adduced but what is contained in the Notice.

CXIX. And be it enacted, That it shall and may be lawful to and for any such Officer or other Person to whom such Notice shall have been given as aforesaid, at any Time within One Calendar Month after such Notice shall have been given, to tender Amends to the Party complaining, or his, her, or their Agent or Attorney, and in case the same is not accepted to plead such Tender in bar to any Action to be brought against him grounded on such Writ or Process, together with the Plea of Not Guilty, and other Pleas, with Leave of the Court; and if, upon Issue

Officer may tender Amends.

Jurisdiction.

Issue joined thereon, the Jury shall find the Amends so tendered to have been sufficient, then they shall give a Verdict for the Defendant; and in such Case, or in case the Plaintiff shall become nonsuited, or discontinue his, her, or their Action, or in case Judgment shall be given for such Defendant upon Demurrer, then such Defendant shall be entitled to the like Costs as he would have been entitled to in case he had pleaded the General Issue only; but if upon Issue joined, the Jury shall find that no Amends were tendered, or that the same were not sufficient, or shall find against the Defendant in such other Plea or Pleas, then they shall give a Verdict for the Plaintiff, and such Damages as they shall think proper, together with his, her, or their Costs of Suit.

Officer neglecting to tender Amends may pay Money into Court.

CXX. And be it enacted, That in case such Officer or other Person as aforesaid shall neglect to tender any Amends, or shall have tendered insufficient Amends, before the Action brought, it shall and may be lawful for him, by Leave of the Court in which such Action shall be brought, at any Time before the Trial of the said Action, to pay into Court such Sums of Money as he shall see fit, whereupon such Proceedings, Orders, and Payments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Action to be commenced within Six Months next after Cause of Action has arisen.

CXXI. And be it enacted, That if any Action or Suit shall be brought or commenced as aforesaid such Action or Suit shall be brought or commenced within Six Months next after the Cause of Action shall have arisen, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action is alleged to have occurred, and not in any other County or Place; and the Defendant or Defendants shall and may plead the General Issue, and give the special Matter in Evidence, at any Trial had thereupon; and if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Suit, or if upon a Verdict or Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall be entitled to Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants can or may have in other Cases where Costs are given by Law.

Judges of the Queen's Bench may issue Warrants for apprehending Offenders prosecuted by Indictment or Information.

CXXII. And be it enacted, That whenever any Person shall be charged with any Offence against this or any Act relating to the Customs for which he or she may be prosecuted by Indictment or Information in Her Majesty's Court of Queen's Bench, and the same shall be made appear to any Judge of the same Court, by Affidavit or by Certificate of an Information or Indictment being filed against such Person in the said Court for such Offence, it shall and may be lawful for such Judge to issue his Warrant under his Hand and Seal, and thereby to cause such Person to be apprehended and brought before him or some other Judge of the same Court, or before some One of Her Majesty's Justices of the Peace, in order to his or her being bound to the Queen's Majesty, with Two sufficient Sureties, in such Sum as in the said Warrant shall be expressed, with Condition to appear in the said Court at the Time mentioned in such Warrant, and to answer all and singular Indictments or Informations for any such Offence; and in case

case any such Person shall neglect or refuse to become bound as aforesaid it shall be lawful for such Judge or Justice respectively to commit such Person to the Common Gaol of the County, City, or Place where the Offence shall have been committed, or where he or she shall have been apprehended, there to remain until he or she shall become bound as aforesaid, or shall be discharged by Order of the Court in Term Time, or of One of the Judges of the said Court in Vacation; and the Recognizance to be thereupon taken shall be returned and filed in the said Court, and shall continue in force until such Person shall have been acquitted of such Offence, or in case of Conviction shall have received Judgment for the same, unless sooner ordered by the Court to be discharged; and that where any Person, either by virtue of such Warrant of Commitment aforesaid, or by virtue of any Writ of Capias ad respondendum issued out of the said Court, is now detained or shall hereafter be committed to and detained in any Gaol for Want of Bail, it shall be lawful for the Prosecutor of any such Indictment or Information to cause a Copy thereof to be delivered to such Person, or to the Gaoler or Keeper or Turnkey of the Gaol wherein such Person is or shall be so detained, with a Notice thereon endorsed, that unless such Person shall, within Eight Days from the Time of such Delivery of a Copy of the Indictment or Information as aforesaid, cause an Appearance and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, an Appearance and the Plea of Not Guilty will be entered thereto in the Name of such Person; and in case he or she shall thereupon, for the Space of Eight Days after the Delivery of a Copy of such Indictment or Information as aforesaid, neglect to cause an Appearance and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, it shall be lawful for the Prosecutor of such Indictment or Information, upon Affidavit being made and filed in the Court of the Delivery of a Copy of such Indictment or Information with such Notice endorsed thereon as aforesaid, to such Person, or to such Gaoler, Keeper, or Turnkey, as the Case may be, which Affidavit may be made before any Judge or Commissioner of the said Court authorized to take Affidavits in the said Court, to cause an Appearance and the Plea of Not Guilty to be entered in the said Court to such Indictment or Information for such Person, and such Proceedings shall be had thereupon as if the Defendant in such Indictment or Information appeared and pleaded Not Guilty, according to the usual Course of the said Court; and that if upon Trial of such Indictment or Information any Defendant so committed and detained as aforesaid shall be acquitted of all the Offences therein charged upon him or her, it shall be lawful for the Judge before whom such Trial shall be had, although he may not be One of the Judges of the said Court of Queen's Bench, to order that such Defendant shall be forthwith discharged out of Custody as to his or her Commitment as aforesaid, and such Defendant shall be thereupon discharged accordingly.

Persons neglecting to give Bail may be committed to Gaol.

Indictments or Informations may be served on the Gaoler, and if Offender neglect to appear, &c. the Prosecutor may enter Plea of Not Guilty.

If upon Trial the Party is acquitted, the Judge may discharge him out of Custody.

CXXIII. And be it enacted, That where any Person shall be arrested by virtue of a Warrant issued as aforesaid, and shall enter into a Recognizance, and appear in the said Court at the Return of the said Recognizance, but shall not afterwards plead to the Information

When Recognizance is given, and the Party shall not plead, a Copy

of the Information or Indictment may be delivered to his Attorney.

mation or Indictment, it shall and may be lawful for the Prosecutor of such Information or Indictment to cause a Copy thereof to be delivered to such Person, or his or her Attorney or Agent, or to be left at his or her last Place of Abode, with a Notice thereon endorsed, that unless such Person shall, within Eight Days from the Time of such Delivery of a Copy of the Information or Indictment as aforesaid, cause a Plea to be entered in the said Court to such Information or Indictment, that the Prosecutor of such Information or Indictment will enter a Plea of Not Guilty on his or her Behalf; and that upon Affidavit being made and filed in the said Court of the Delivery of a Copy of such Information or Indictment, with such Notice endorsed thereon as aforesaid, to such Person, or to his or her Attorney or Agent, or at his or her last Place of Abode, as the Case may be, it shall be lawful for the Prosecutor of such Information or Indictment to cause the Plea of Not Guilty to be entered in the said Court to such Information or Indictment for such Person, and such Proceedings shall be had thereupon as if the Defendant in such Information or Indictment had pleaded according to the usual Course of the said Courts.

If the Party does not appear, a Plea of Not Guilty may be entered.

Certain Articles herein mentioned not to be landed Coastwise until the Dues of the City of London are paid.

CXXIV. And for the Purpose of enabling the Mayor, Commonalty, and Citizens of the City of *London*, and their Successors, to ascertain and collect the Amount of the Dues payable to them upon the several Articles herein-after mentioned, brought Coastwise into the Port of *London*, be it enacted, That if all or any of the Goods of the Description herein-after mentioned, (that is to say,) Firkins of Butter, Tons of Cheese, Fish, Eggs, Salt, Fruit, Roots (eatable), and Onions, brought Coastwise into the Port of the said City, and which are liable to the said Dues, shall be landed or unshipped at or in the said Port before a proper Certificate of the Payment of the said Duties shall have been obtained, such Goods respectively shall be forfeited, and may be seized by any Officer of Her Majesty's Customs empowered to seize any Goods landed without due Entry thereof; and such Forfeiture may be sued for, prosecuted, and recovered by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record at *Westminster*, in the Name of the Chamberlain of the said City, on behalf of the said Mayor, Commonalty, and Citizens.

When Offenders are arrested, and give Bail to the Sheriff, the Bail Bond to be assigned to Her Majesty.

CXXV. And be it enacted, That if any Person shall be arrested under or by virtue of a Writ of Capias ad respondendum issuing out of any of Her Majesty's Courts of Record, or out of any of the Superior Courts of Record of either of the Counties Palatine, at the Suit of the Queen's Majesty, Her Heirs and Successors, and the Sheriff or other Officer shall take Bail from such Person, such Sheriff or other Officer, at the Request and Costs of the Prosecutor, shall assign to the Queen's Majesty, Her Heirs and Successors, the Bail Bond taken from such Person, by endorsing the same, and attesting the same under his Hand and Seal in the Presence of Two or more credible Witnesses, which may be done without any Stamp, provided the Assignment so endorsed be duly stamped before any Suit be commenced thereupon; and if such Bail Bond be forfeited such Process shall thereupon issue as on Bonds originally made to the Queen's Majesty, Her Heirs and Successors, and the Court in

which

which such Bail Bond is put in Suit may, by Rule or Rules of the same Court, give such Relief to the Defendant or Defendants as is agreeable to Justice and Reason. *Jurisdiction.*

Indictments to be preferred by Order of the Commissioners, and Suits to be in the Name of the Attorney General or Lord Advocate, or of some Officer.

CXXVI. And be it enacted, That no Indictment shall be preferred for any Offence against this or any other Act or Acts relating to the Customs or Excise, nor shall any Suit be commenced for the Recovery of any Penalty or Forfeiture for any such Offence, (except in the Cases of Persons detained and carried before One or more Justices in pursuance of this Act,) unless such Indictment shall be preferred under the Direction of the Commissioners of Her Majesty's Customs or Excise, or unless such Suit shall be commenced in the Name of Her Majesty's Attorney General for *England* or *Ireland*, or in the Name of the Lord Advocate of *Scotland*, or in the Name of some Officer of Customs or Excise, under the Direction of the said Commissioners respectively.

The Attorney General or Lord Advocate may sign a Nolle prosequi.

CXXVII. And be it enacted, That if any Prosecution whatever shall be commenced for the Recovery of any Fine, Penalty, or Forfeiture incurred under this or any other Act relating to the Customs or Excise, it shall be lawful for Her Majesty's Attorney General, or for the Lord Advocate of *Scotland*, if he is satisfied that such Fine, Penalty, or Forfeiture was incurred without any Intention of Fraud, or that it is inexpedient to proceed in the said Prosecution, to stop all further Proceedings, by entering a Nolle prosequi or otherwise, on such Information, as well with respect to the Share of such Fine, Penalty, or Forfeiture to which any Officer or Officers may be entitled as to the Queen's Share thereof.

Proof of Payments of Duties or of the lawful Importation of Goods to be on the Owner.

CXXVIII. And be it enacted, That if any Goods shall be seized for Nonpayment of Duties, or any other Cause of Forfeiture, and any Dispute shall arise whether the Customs, Excise, or Inland Duties have been paid for the same, or the same have been lawfully imported, or concerning the Place from whence such Goods were brought, then and in such Case the Proof thereof shall be on the Owner or Claimer of such Goods, and not on the Officer who shall seize the same.

No Justice connected with the Collection of the Revenue to interfere.

CXXIX. And be it enacted, That no Justice of the Peace who is a Collector or Comptroller, or otherwise connected with the Collection of the Customs or Excise, shall take cognizance of any Matter relating to the summary Conviction of Persons offending against this or any other Act relating to the Customs.

Averment of certain Matters to be sufficient unless the contrary is proved.

CXXX. And be it enacted, That in case of any Information or Proceedings had under this or any Act relating to the Customs, the Averment that the Commissioners of Her Majesty's Customs or Excise have directed or elected such Information or Proceedings to be instituted, or that any Vessel is Foreign, or belonging wholly or in part to Her Majesty's Subjects, or that any Person detained or found on board any Vessel or Boat liable to Seizure is or is not a Subject of Her Majesty, or that any Person is an Officer of the Customs, and where the Offence is committed in any Port in the United

Jurisdiction. United Kingdom the naming such Port in any Information or Proceedings, shall be sufficient, without Proof as to such Fact or Facts, unless the Defendant in such Case shall prove to the contrary.

Persons employed for Prevention of Smuggling to be deemed duly employed.

CXXXI. And be it enacted, That all Persons employed for the Prevention of Smuggling, under the Direction of the Commissioners of Her Majesty's Customs, or of any Officer or Officers in the Service of the Customs, shall be deemed and taken to be duly employed for the Prevention of Smuggling, and the Averment in any Information or Suit that such Party was so duly employed shall be sufficient Proof thereof, unless the Defendant in such Information or Suit shall prove to the contrary.

Vivâ voce Evidence may be given that a Party is an Officer.

CXXXII. And be it enacted, That if upon any Trial a Question shall arise whether any Person is an Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or an Officer of Customs or Excise, Evidence of his having acted as such shall be deemed sufficient, and such Person shall not be required to produce his Commission or Deputation, unless sufficient Proof shall be given to the contrary; and every such Officer, and any Person acting in his Aid or Assistance, shall be deemed a competent Witness upon the Trial of any Suit or Information on account of any Seizure or Penalty as aforesaid, notwithstanding such Officer or other Person may be entitled to the whole or any Part of such Seizure or Penalty, or to any Reward upon the Conviction of the Party charged in such Suit or Information.

Witness competent, although entitled to Part of Seizure or to Reward.

What shall be deemed sufficient Evidence of an Order of the Treasury or of the Commissioners of Customs or Excise.

CXXXIII. And be it enacted, That upon the Trial of any Issue, or upon any judicial Hearing or Investigation, touching any Penalty or Forfeiture under any Law or Laws relating to the Customs or Excise, or to the Law of Navigation, where it may be necessary to give Proof of any Order issued by the Commissioners of Her Majesty's Treasury, or by the Commissioners of Her Majesty's Customs or Excise respectively, the Order, or any Letter or Instruction referring thereto, which shall have been officially received by any Officer of Customs or Exercise for his Government, and under which he shall have acted as such Officer, shall be admitted and taken as sufficient Evidence and Proof of such Order to all Intents and Purposes whatsoever.

Within what Time Suits, Indictments, or Informations are to be exhibited.

CXXXIV. And be it enacted, That all Suits, Indictments, or Informations exhibited for any Offence against this or any other Act relating to the Customs in any of Her Majesty's Courts of Record at *Westminster* or in *Dublin*, or in *Edinburgh*, or in the Royal Courts of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, shall and may be had, brought, sued, or exhibited within Three Years next after the Date of the Offence committed, and shall and may be exhibited before any One or more Justices of the Peace within Six Months next after the Date of the Offence committed.

Information in certain Cases may be exhibited

CXXXV. Provided always, and be it enacted, That where any Person shall have been detained for any Offence against this or any Act relating to the Customs, and shall have made his Escape from

 Custody,

Custody, an Information may be exhibited before One or more Justices of the Peace against such Person for such Offence at any Time afterwards, although more than Six Months shall have expired. any Time after Six Months.

CXXXVI. And be it enacted, That any Indictment or Information for any Offence against this or any other Act relating to the Customs shall and may be inquired of, examined, tried, and determined in any County of *England* where the Offence is committed in *England*, and in any County in *Scotland* where the Offence is committed in *Scotland*, and in any County in *Ireland* where the Offence is committed in *Ireland*, in such Manner and Form as if the Offence had been committed in the said County where the said Indictment or Information shall be tried. Indictments or Informations may be tried in any County in England, Scotland, or Ireland respectively.

CXXXVII. And whereas by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for further improving the Police in and near the Metropolis*, it is enacted, that after the passing of that Act all Summonses and Warrants to be issued in any Criminal Proceeding within the Metropolitan Police District, or by any Magistrate within the said District, shall be served and executed by a Constable of the Metropolitan Police Force, and by none other: And whereas it is expedient, in Cases of Proceedings instituted by Direction of the Commissioners of Her Majesty's Customs or Excise, that such Summonses or Warrants should be executed by their respective Officers; be it therefore enacted, That from and after the passing of this Act all such Summonses and Warrants shall and may be served and executed by any Officer of the Customs or Excise, any Act now in force or hereafter to be made to the contrary in anywise notwithstanding. Summonses, &c. in Customs or Excise Proceedings may be served within the Police District by the Officers of Customs or Excise.

CXXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Alteration of Act.

SCHEDULE to which the foregoing Act refers.

No. 1.

Form of Information before Justices of the Peace where a pecuniary Penalty is inflicted.

County of } BE it remembered, That on the Day of
to wit. } in the Year of our Lord
A. B., an Officer of Customs, who is directed by the Commissioners of Her Majesty's Customs to prefer this Information, gives us, Two of Her Majesty's Justices of the Peace in and for to understand and be informed that *C. D.*, within Six Months now last past, that is to say, on the Day of in the Year of our Lord at [*here state the Offence*], contrary to the Form of the Statute in that Case made and provided, whereby the said *C. D.* hath forfeited for his said Offence the Sum of Pounds.

No. 2.

Form of Warrant of Commitment to Gaol for a pecuniary Penalty.

County of } To *A. B.*, Officer of Customs, and to the Gaoler or
to wit. } Keeper of the at
in the

WHEREAS *C. D.* has this Day been duly convicted before us, Two of Her Majesty's Justices of the Peace in and for upon the Information of *A. B.*, an Officer of Customs, who was directed by the Commissioners of Her Majesty's Customs to prefer the same, for that, within Six Months now last past, to wit, on the Day of in the Year of our Lord [*here state the Offence as in the Information*]. And whereas we the said Justices did adjudge that the said *C. D.* had forfeited for his said Offence the Sum of Pounds, which said Sum of Pounds has not been paid: These are therefore to require you the said *A. B.* forthwith to take, carry, and convey the said *C. D.* to the at in the and to deliver him into the Custody of the Gaoler or Keeper of the said and we the said Justices do hereby authorize and require you the said Gaoler or Keeper of the said Gaol to receive and take the said *C. D.* into your Custody, and him safely to keep until he shall duly pay the said Sum of Pounds. Given under our Hands and Seals at this Day of in the Year of our Lord

No. 1.

No. 1.

Form of Conviction for a pecuniary Penalty.

County of } BE it remembered, That on the Day
to wit. } of in the Year of our Lord
at an Information was exhibited by *A. B.*, an Officer of Customs, who was directed by the Commissioners of Her Majesty's Customs to prefer the same before us Two of Her Majesty's Justices of the Peace in and for against *C. D.*, which said Information charged that the said *C. D.*, within Six Months then last past, that is to say, on the Day of in the Year of our Lord [*here state the Offence as in the Information*], contrary to the Form of the Statute in that Case made and provided, whereby the said *C. D.* had forfeited for his said Offence the Sum of Pounds, which Offence ["has been duly proved before us the said Justices," *or* "the Party has confessed himself to be guilty of," *as the Case may be*]: We the said Justices do therefore convict the said *C. D.* of the said Offence, and do adjudge that the said *C. D.* hath forfeited for his said Offence the Sum of Pounds. Given under our Hands and Seals at the Day of in the Year of our Lord

No. 2.

Form of Information before Justices of the Peace where the Penalty of hard Labour is inflicted.

County of } BE it remembered, That on the Day
to wit. } of in the Year of our Lord
at *A. B.*, an Officer of Customs, who is directed by the Commissioners of Her Majesty's Customs to prefer this Information, gives us Two of Her Majesty's Justices of the Peace in and for to understand and be informed that *C. D.*, within Six Months now last past, (that is to say,) on the Day of in the Year of our Lord One thousand eight hundred and [*here state the Offence*], contrary to the Form of the Statute in that Case made and provided, whereby the said *C. D.* hath for his said Offence become liable to be imprisoned in a House of Correction, and there kept to hard Labour for any Term not less than Six nor greater than Nine Calendar Months.

No. 3.

Form of Conviction for the Penalty of hard Labour.

County of } BE it remembered, That on the Day
to wit. } of in the Year of our Lord
at an Information was exhibited by *A. B.*, an Officer of Customs, who was directed by the Commissioners of Her Majesty's Customs to prefer the same before us, Two of Her Majesty's Justices of the Peace in and for against *C. D.*,

C. D., which said Information charged that the said *C. D.*, within Six Months then last past, (that is to say,) on the Day of in the Year of our Lord [*here state the Offence as in the Information*], contrary to the Form of the Statute in that Case made and provided, whereby the said *C. D.* had for his said Offence become liable to be imprisoned in a House of Correction, and there kept to hard Labour for any Term not less than Six nor greater than Nine Calendar Months, which Offence ["has been duly proved before us the said Justices," *or* "the Party has confessed himself to be guilty of," *as the Case may be*]: We the said Justices do therefore convict the said *C. D.* of the said Offence, and do adjudge that the said *C. D.* shall for his said Offence be imprisoned in the House of Correction at in the County of and be there kept to hard Labour for the Period of Calendar Months. Given under our Hands and Seals at this Day of in the Year of our Lord .

No. 2.

Form of Warrant of Commitment for the Penalty of hard Labour.

County of } To *A. B.*, an Officer of Customs, and to the Gaoler or
to wit. } Keeper of the House of Correction in
the County of .

WHEREAS *C. D.* has been this Day duly convicted before us, Two of Her Majesty's Justices of the Peace in and for upon the Information of *A. B.*, an Officer of Customs, who was directed by the Commissioners of Her Majesty's Customs to prefer the same, for that within Six Months now last past, to wit, on the Day of in the Year of our Lord [*here state the Offence as in the Information*]: And whereas we the said Justices did adjudge that the said *C. D.* should for his said Offence be imprisoned in the House of Correction at aforesaid, and be there kept to hard Labour for the Term of Calendar Months: These are therefore to require you the said *A. B.* forthwith to take, carry, and convey the said *C. D.* to the House of Correction at in the and deliver him into the Custody of the Gaoler or Keeper of the said House of Correction; and we the said Justices do hereby authorize and require you the said Gaoler or Keeper of the said House of Correction to receive and take the said *C. D.* into your Custody, and to keep the said *C. D.* for the said Term of Calendar Months to hard Labour. Given under our Hands and Seals at this Day of in the Year of our Lord .

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

CAP. LXXXVIII.

An Act for the Encouragement of *British* Shipping and Navigation. [4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the Encouragement of* British *Shipping and Navigation*, whereby the Laws for the Encouragement of *British* Shipping and Navigation were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of Advantage to the Trade and Commerce of the Country that the said Acts and Parts of Acts should be consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force for the Purposes therein mentioned, except where any other Commencement is herein particularly directed. 3 & 4 W. 4. c. 54. Commencement of Act.

II. And be it enacted, That the several Sorts of Goods hereinafter enumerated, being the Produce of *Europe*, (that is to say,) Masts, Timber, Boards, Tar, Tallow, Hemp, Flax, Currants, Raisins, Figs, Ships in which only enumerated Goods of

Europe may be imported.

Figs, Prunes, Olive Oil, Corn or Grain, Wine, Brandy, Tobacco, Wool, Shumac, Madders, Madder Roots, Barilla, Brimstone, Bark of Oak, Cork, Oranges, Lemons, Linseed, Rapeseed and Clover-seed, shall not be imported into the United Kingdom to be used therein, except in *British* Ships, or in Ships of the Country of which the Goods are the Produce, or in Ships of the Country from which the Goods are imported.

Places from which only Goods of Asia, Africa, or America may be imported.

III. And be it enacted, That Goods the Produce of *Asia*, *Africa*, or *America* shall not be imported from *Europe* into the United Kingdom to be used therein, except the Goods herein-after mentioned; (that is to say,)

Goods the Produce of the Dominions of the Emperor of *Morocco*, which may be imported from Places in *Europe* within the *Straits of Gibraltar*:

Goods the Produce of *Asia* or *Africa* which (having been brought into Places in *Europe* within the *Straits of Gibraltar* from or through Places in *Asia* or *Africa* within those Straits, and not by way of the *Atlantic Ocean*,) may be imported from Places in *Europe* within the *Straits of Gibraltar*:

Goods the Produce of Places within the Limits of the *East India* Company's Charter, which (having been imported from those Places into *Gibraltar* or *Malta* in *British* Ships) may be imported from *Gibraltar* or *Malta*:

Goods taken by way of Reprisal by *British* Ships:

Bullion, Diamonds, Pearls, Rubies, Emeralds, and other Jewels or precious Stones.

Ships in which only Goods of Asia, Africa, or America may be imported.

IV. And be it enacted, That Goods the Produce of *Asia*, *Africa*, or *America* shall not be imported into the United Kingdom to be used therein, in Foreign Ships, unless they be the Ships of the Country in *Asia*, *Africa*, or *America* of which the Goods are the Produce, and from which they are imported, except the Goods herein-after mentioned; (that is to say,)

Goods the Produce of the Dominions of the Grand Seignior in *Asia* or *Africa*, which may be imported from his Dominions in *Europe* in Ships of his Dominions:

Raw Silk and Mohair Yarn, the Produce of *Asia*, which may be imported from the Dominions of the Grand Seignior in the *Levant* Seas, in Ships of his Dominions:

Bullion:

Proviso.

Provided always, that in case any Treaty shall be made with any Country having a Port or Ports within the *Straits of Gibraltar*, stipulating that such Productions of *Asia* or *Africa* as may by Law be imported into the United Kingdom from Places in *Europe* within the *Straits of Gibraltar* in *British* Ships shall also be imported from the Ports of such Country in the Ships of such Country, then and in every such Case it shall be lawful to import such Goods from the Ports of such Country in the Ships of such Country.

Manufacture deemed Produce.

V. Provided always, and be it enacted, That all manufactured Goods shall be deemed to be the Produce of the Country of which they are the Manufacture.

VI. And

VI. And be it enacted, That no Goods shall be imported into the United Kingdom from the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, except in *British* Ships. From Guernsey, &c.

VII. And be it enacted, That no Goods shall be exported from the United Kingdom to any *British* Possession in *Asia*, *Africa*, or *America*, nor to the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, except in *British* Ships. Exports to Asia, &c., and to Guernsey, &c.

VIII. And be it enacted, That no Goods or Passengers shall be carried Coastwise from one Part of the United Kingdom to another, or from the United Kingdom to the *Isle of Man*, or from the *Isle of Man* to the United Kingdom, except in *British* Ships. Coastwise.

IX. And be it enacted, That no Goods shall be carried from any of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* to any other of such Islands, nor from one Part of any of such Islands to another Part of the same Island, except in *British* Ships. Between Guernsey, Jersey, &c.

X. And be it enacted, That no Goods shall be carried from any *British* Possession in *Asia*, *Africa*, or *America* to any other of such Possessions, nor from one Part of any of such Possessions to another Part of the same, except in *British* Ships. Between British Possessions in Asia, &c.

XI. And be it enacted, That no Goods shall be imported into any *British* Possession in *Asia*, *Africa*, or *America* in any Foreign Ships, unless they be Ships of the Country of which the Goods are the Produce, and from which the Goods are imported. Imports into British Possessions in Asia, &c.

XII. And be it enacted, That it shall be lawful for Her Majesty from Time to Time, by any Order in Council, to declare that Goods the Growth, Produce, or Manufacture of any Foreign Country may be imported into the Island of *Hong Kong* from the same or any other Foreign Country, in Vessels belonging to the same or any other Foreign Country, and however navigated, subject nevertheless to such Limitations and Restrictions as shall be contained in any such Order in Council; and from and after the Publication of any such Order in Council such Goods may lawfully be so imported into the said Island of *Hong Kong* according to the Provisions of such Order, and until the Revocation thereof; and any such Order in Council may from Time to Time be altered or revoked by Her Majesty by any subsequent Order in Council. Her Majesty may, by Order in Council, declare that Foreign Goods may be imported into Hong Kong in any Vessels.

XIII. And be it enacted, That no Ship shall be admitted to be a *British* Ship unless duly registered and navigated as such, and that every *British* registered Ship (so long as the Registry of such Ship shall be in force, or the Certificate of such Registry retained for the Use of such Ship,) shall be navigated during the whole of every Voyage (whether with a Cargo or in Ballast), in every Part of the World, by a Master who is a *British* Subject, and by a Crew whereof Three Fourths at least are *British* Seamen; and if such Ship be employed in a Coasting Voyage from one Part of the United Kingdom No Ship British unless registered and navigated as such.

Kingdom to another, or in a Voyage between the United Kingdom and the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or from one of the said Islands to another of them, or from one Part of either of them to another of the same, or be employed in fishing on the Coasts of the United Kingdom or of any of the said Islands, then the whole of the Crew shall be *British* Seamen.

But Vessels under Fifteen Tons Burden admitted in Navigation upon Rivers, &c., although not registered.

Vessels under Thirty Tons for Newfoundland Fishery, &c., need not be registered.

XIV. Provided always, and be it enacted, That all *British*-built Boats or Vessels under Fifteen Tons Burden, wholly owned and navigated by *British* Subjects, although not registered as *British* Ships, shall be admitted to be *British* Vessels in all Navigation in the Rivers and upon the Coasts of the United Kingdom, or of the *British* Possessions abroad, and not proceeding over Sea, except within the Limits of the respective Colonial Governments within which the managing Owners of such Vessels respectively reside; and that all *British*-built Boats or Vessels wholly owned and navigated by *British* Subjects, not exceeding the Burden of Thirty Tons, and not having a whole or a fixed Deck, and being employed solely in fishing on the Banks and Shores of *Newfoundland* and of the Parts adjacent, or on the Banks and Shores of the Provinces of *Canada*, *Nova Scotia*, or *New Brunswick*, adjacent to the *Gulf of Saint Lawrence*, or on the North of *Cape Canso*, or of the Islands within the same, or in trading Coastwise within the said Limits, shall be admitted to be *British* Boats or Vessels, although not registered, so long as such Boats or Vessels shall be solely so employed.

Honduras Ships to be as British in Trade with United Kingdom and Colonies in America.

XV. Provided also, and be it enacted, That all Ships built in the *British* Settlements at *Honduras*, and owned and navigated as *British* Ships, shall be entitled to the Privileges of *British* registered Ships in all direct Trade between the United Kingdom or the *British* Possessions in *America* and the said Settlements, provided the Master shall produce a Certificate under the Hand of the Superintendent of those Settlements that satisfactory Proof has been made before him that such Ship (describing the same) was built in the said Settlements, and is wholly owned by *British* Subjects: Provided also, that the Time of the Clearance of such Ship from the said Settlements for every Voyage shall be endorsed upon such Certificate by such Superintendent.

Ship of any Foreign Country to be of the Build of or Prize to such Country, or British-built, and owned and navigated by Subjects of the Country.

XVI. And be it enacted, That no Ship shall be admitted to be a Ship of any particular Country, unless she be of the Build of such Country, or have been made Prize of War to such Country, or have been forfeited to such Country under any Law of the same made for the Prevention of the Slave Trade, and condemned as such Prize or Forfeiture by a competent Court of such Country, or be *British*-built (not having been a Prize of War from *British* Subjects to any other Foreign Country), nor unless she be navigated by a Master who is a Subject of such Foreign Country, and by a Crew of whom Three Fourths at least are Subjects of such Country, nor unless she be wholly owned by Subjects of such Country usually residing therein, or under the Dominion thereof: Provided always, that the

Country of every Ship shall be deemed to include all Places which are under the same Dominion as the Place to which such Ship belongs.

Master and Seamen not British, unless natural born or naturalized, or Denizens, or Subjects by Conquest or Cession, or having served in Her Majesty's Ships of War.

XVII. And be it enacted, That no Person shall be qualified to be a Master of a *British* Ship or to be a *British* Seaman within the Meaning of this Act, except the natural-born Subjects of Her Majesty, or Persons naturalized by any Act of Parliament, or made Denizens by Letters of Denization, or except Persons who have become *British* Subjects by virtue of Conquest or Cession of some newly acquired Country, and who shall have taken the Oath of Allegiance to Her Majesty, or the Oath of Fidelity required by the Treaty or Capitulation by which such newly acquired Country came into Her Majesty's Possession, or Persons who shall have served on board any of Her Majesty's Ships of War in Time of War for the Space of Three Years: Provided always, that the Natives of Places within the Limits of the *East India* Company's Charter, although under *British* Dominion, shall not, upon the ground of being such Natives, be deemed to be *British* Seamen: Provided always, that every Ship (except Ships required to be wholly navigated by *British* Seamen) which shall be navigated by One *British* Seaman if a *British* Ship, or One Seaman of the Country of such Ship if a Foreign Ship, for every Twenty Tons of the Burden of such Ship, shall be deemed to be duly navigated, although the Number of other Seamen shall exceed One Fourth of the whole Crew: Provided also, that nothing herein contained shall extend to repeal or alter the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, for consolidating and amending the Laws then in force with respect to Trade from and to Places within the Limits of the *East India* Company's Charter, nor the Provisions of an Act passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty, intituled *An Act further to regulate the Trade of Ships built and trading within the Limits of the* East India *Company's Charter*.

Natives of India not to be British Seamen.

One British Seaman to Twenty Tons sufficient to constitute a proper Crew.

4 G. 4. c. 80. s. 21.

3 & 4 Vict. c. 56.

Foreigners having served Two Years on board H.M.S. during War.

XVIII. Provided always, and be it enacted, That it shall be lawful for Her Majesty, by Her Royal Proclamation during War, to declare that Foreigners having served Two Years on board any of Her Majesty's Ships of War in Time of such War shall be *British* Seamen within the Meaning of this Act.

British Ship not to depart British Port unless duly navigated, &c.

XIX. And be it enacted, That no *British* registered Ship shall be suffered to depart any Port in the United Kingdom, or any *British* Possessions in any Part of the World, (whether with a Cargo or in Ballast,) unless duly navigated: Provided always, that any *British* Ships trading between Places in *America* may be navigated by *British* Negroes, and that Ships trading Eastward of the *Cape of Good Hope*, within the Limits of the *East India* Company's Charter, may be navigated by Lascars, or other Natives of Countries within those Limits.

Penalty for Excess of Foreign Seamen.

XX. And be it enacted, That if any *British* registered Ship shall at any Time have as Part of the Crew in any Part of the World

World any Foreign Seamen not allowed by Law, the Master or Owners of such Ship shall for every such Foreign Seaman forfeit the Sum of Ten Pounds: Provided always, that if a due Proportion of *British* Seamen cannot be procured in any Foreign Port, or in any Place within the Limits of the *East India* Company's Charter, for the Navigation of any *British* Ship, or if such Proportion be destroyed during the Voyage by any unavoidable Circumstance, and the Master of such Ship shall produce a Certificate of such Facts under the Hand of any *British* Consul, or of Two known *British* Merchants if there be no Consul at the Place where such Facts can be ascertained, or from the *British* Governor of any Place within the Limits of the *East India* Company's Charter, or in the Want of such Certificate shall make Proof of the Truth of such Facts to the Satisfaction of the Collector and Comptroller of the Customs of any *British* Port, or of any Person authorized in any other Part of the World to inquire into the Navigation of such Ship, the same shall be deemed to be duly navigated.

Proportion of Seamen may be altered by Proclamation.

XXI. And be it enacted, That if Her Majesty shall at any Time by Her Royal Proclamation declare that the Proportion of *British* Seamen necessary to the due Navigation of *British* Ships shall be less than the Proportion required by this Act, every *British* Ship navigated with the Proportion of *British* Seamen required by such Proclamation shall be deemed to be duly navigated, so long as such Proclamation shall remain in force.

Goods prohibited only by Navigation Law may be imported for Exportation.

XXII. Provided always, and be it enacted, That Goods of any Sort, or the Produce of any Place, not otherwise prohibited than by the Law of Navigation herein-before contained, may be imported into the United Kingdom from any Place in a *British* Ship, and from any Place, not being a *British* Possession, in a Foreign Ship of any Country, and however navigated, to be warehoused for Exportation only, under the Provisions of any Law in force for the Time being made for the warehousing of Goods without Payment of Duty upon the first Entry thereof.

Her Majesty may, by Order in Council, appoint Ports in the British Possessions abroad, wherein any Goods imported in any Vessel may be warehoused.

XXIII. And be it enacted, That it shall be lawful for Her Majesty from Time to Time, by any Order in Council, to declare that Goods of any Sort, or the Produce of any Place, not otherwise prohibited than by the Law of Navigation herein-before contained, may be imported into any Port or Ports of the *British* Possessions abroad, to be named in such Order, from any Place, in a *British* Ship, and from any Place not being a Part of the *British* Dominions in a Foreign Ship of any Country, and however navigated, to be warehoused for Exportation only, under the Provisions of any Law in force for the Time being, made for the warehousing of Goods without Payment of Duty upon the first Entry thereof; and from and after the Date of any such Order it shall be lawful so to import, for the Purpose of being warehoused for Exportation only, any such Goods into the Port or Ports named therein, according to the Provisions of the said Order, and until the Revocation thereof; and any such Order in Council may from Time to Time be

be altered or revoked by Her Majesty by any subsequent Order in Council.

Forfeitures, how incurred.

XXIV. And be it enacted, That if any Goods be imported, exported, or carried Coastwise, contrary to the Law of Navigation, all such Goods shall be forfeited, and the Master of the Ship in which the same are so imported, exported, or carried Coastwise shall forfeit the Sum of One hundred Pounds.

Recovery of Forfeitures.

XXV. And be it enacted, That all Penalties and Forfeitures incurred under this Act shall be sued for, prosecuted, recovered, and disposed of, or shall be mitigated or restored, in like Manner as any Penalty or Forfeiture can be sued for, prosecuted, recovered, and disposed of, or may be mitigated or restored under an Act passed in the present Session of Parliament for the Prevention of Smuggling.

Alteration of Act.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act or Acts to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO

VICTORIÆ REGINÆ.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXXIX.

An Act for the registering of *British* Vessels.

[4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament held in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the registering of* British *Vessels*, whereby the Laws in relation to the Registration of *British* Vessels were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to Trade and Commerce that the said Act and Parts of Acts should be consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and continue in full Force for the Purposes therein mentioned, except where any other Commencement is herein particularly directed. 3 & 4 W. 4. c. 55. Commencement of Act.

II. And be it enacted, That no Ship or Vessel shall be entitled to any of the Privileges or Advantages of a *British*-registered Ship, unless the Person or Persons claiming Property therein shall have caused the same to have been registered in virtue of the said Act, or of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for registering* British *Vessels*, or of an Act passed in the Fourth Year of His said late Majesty's Reign, intituled *An Act for the registering of* British *Vessels*, No Vessel to enjoy Privileges until registered. 6 G. 4. c. 110. 4 G. 4. c. 41.

Vessels, or until such Person or Persons shall have caused the same to be registered in manner herein-after mentioned, and shall have obtained a Certificate of such Registry from the Person or Persons authorized to make such Registry and grant such Certificate as herein-after directed; the Form of which Certificate shall be as follows; (*videlicet*,)

Form of Certificate of Registry.

'THIS is to certify, That in pursuance of an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Queen *Victoria*, intituled *An Act* [*here insert the Title of this Act, the Names, Occupations, and Residence of the subscribing Owners*], having made and subscribed the Declaration required by the said Act, and having declared that [*he or they*], together with [*Names, Occupations, and Residence of non-subscribing Owners*] is, [*or* are] sole Owner [*or* Owners] in the Proportions specified on the Back hereof of the Ship or Vessel called the [*Ship's Name*] of [*Place to which the Vessel belongs*], which is of the Burden of [*Number of Tons*], and whereof [*Master's Name*] is Master, and that the said Ship or Vessel was [*when and where built, or condemned as Prize, referring to Builder's Certificate, Judge's Certificate, or Certificate of last Registry, then delivered up to be cancelled*], and [*Name and Employment of Surveying Officer*] having certified to us that the said Ship or Vessel has [*Number*] Decks and [*Number*] Masts, that her Length from the inner Part of the Main Stem to the fore Part of the Stern-post aloft is [ ] *Feet* [ ] *Tenths*, her Breadth in Midships is [ ] *Feet* [ ] *Tenths*, her Depth in Hold at Midships is [ ] *Feet* [ ] *Tenths*, that she is [*how rigged*] rigged, with a [*standing or running*] Bowsprit, is [*Description of Stern*] sterned, [*Carvel or Clincher*] built, has [*whether any or not*] Gallery, and [*Kind of Head, if any*] Head; and the said subscribing Owners having consented and agreed to the above Description, and having caused sufficient Security to be given as required by the said Act, the said Ship or Vessel called the [*Name*] has been duly registered at the Port of [*Name of Port*]. Certified under our Hands at the Custom House in the said Port of [*Name of Port*], this [*Date*] Day of [*Name of Month*] in the Year [*Words at Length*].

(Signed) Collector.

(Signed) Comptroller.'

And on the Back of such Certificate of Registry there shall be an Account of the Parts or Shares held by each of the Owners mentioned and described in such Certificate, in the Form and Manner following;

Names of the several Owners within mentioned.	Number of Sixty-fourth Shares held by each Owner.
[Name]	Thirty-two.
[Name]	Sixteen.
[Name]	Eight.
[Name]	Eight.

(Signed) Comptroller.

(Signed) Collector.

III. And

III. And be it enacted, That the Persons authorized and required to make such Registry and grant such Certificates shall be the several Persons herein-after mentioned and described; (that is to say,)

Persons authorized to make Registry, &c.

The Collector and Comptroller of Her Majesty's Customs in any Port in the United Kingdom of *Great Britain* and *Ireland* and in the *Isle of Man* respectively, in respect of Ships or Vessels to be there registered;

In United Kingdom and Isle of Man:

The principal Officers of Her Majesty's Customs in the Islands of *Guernsey* or *Jersey*, together with the Governor, Lieutenant Governor, or Commander-in-Chief of those Islands respectively, in respect of Ships or Vessels to be there registered:

In Guernsey, &c.:

The Collector and Comptroller of Her Majesty's Customs of any Port in the *British* Possessions in *Asia*, *Africa*, and *America*, or the Collector of any such Port at which no Appointment of a Comptroller has been made, in respect of Ships or Vessels to be there registered:

In Colonies in Asia, Africa, and America:

The Collector of Duties at any Port in the Territories under the Government of the *East India* Company, within the Limits of the Charter of the said Company, or any other Person of the Rank in the said Company's Service of Senior Merchant, or of Six Years standing in the said Service, being respectively appointed to act in the Execution of this Act by any of the Governments of the said Company, in respect of Ships or Vessels to be there registered;

In Territories of East India Company:

The Collector of Duties at any *British* Possession within the said Limits, and not under the Government of the said Company, and at which a Custom House is not established, together with the Governor, Lieutenant Governor, or Commander-in-Chief of such Possession, in respect of Ships or Vessels to be there registered;

In other Places within Limits of the Charter of E. I. C.:

The Governor, Lieutenant Governor, or Commander-in-Chief of *Malta*, *Gibraltar*, and *Heligoland* respectively, in respect of Vessels or Ships to be there registered:

In Malta, Gibraltar, &c.

Provided always, that no Ship or Vessel shall be registered at *Heligoland*, except such as is wholly of the Build of that Place, and that Ships or Vessels registered at *Malta*, *Gibraltar*, or *Heligoland* shall not be registered elsewhere; and that Ships or Vessels registered at *Malta*, *Gibraltar*, or *Heligoland* shall not be entitled to the Privileges and Advantages of *British* Ships in any Trade between the said United Kingdom and any of the *British* Possessions in *America*: Provided also, that wherever in and by this Act it is directed or provided that any Act, Matter, or Thing shall and may be done or performed by, to, or with any Collector and Comptroller of Her Majesty's Customs, the same shall or may be done or performed by, to, or with the several Persons respectively herein-before authorized and required to make Registry and to grant Certificates of Registry as aforesaid, and according as the same Act, Matter, or Thing is to be done or performed at the said several and respective Places, and within the Jurisdiction of the said several Persons respectively: Provided also, that wherever in and by this Act it is directed or provided that any Act, Matter, or Thing shall or may be done or performed by, to, or with the Commissioners of Her Majesty's Customs, the same shall or may be done or performed by, to, or with the

Limitation as to Vessels registered at Malta, Gibraltar, or Heligoland.

Certain Powers of Collectors and Comptrollers, by whom to be exercised in certain Cases.

Powers of Commissioners of Customs in United King-

dom given to Governors, &c. abroad.

the Governor, Lieutenant Governor, or Commander-in-Chief of any Place where any Ship or Vessel may be registered under the Authority of this Act, so far as such Act, Matter, or Thing can be applicable to the registering of any Ship or Vessel at such Place.

Ships exercising Privileges before Registry to be forfeited;

IV. And be it enacted, That in case any Ship or Vessel not being duly registered, and not having obtained such Certificate of Registry as aforesaid, shall exercise any of the Privileges of a *British* Ship, the same shall be subject to Forfeiture, and also all the Guns, Furniture, Ammunition, Tackle, and Apparel to the same Ship or Vessel belonging, and shall and may be seized by any Officer or Officers of Her Majesty's Customs: Provided always, that nothing in this Act shall extend or be construed to extend to affect the Privileges of any Ship or Vessel duly registered prior to the Commencement thereof.

but not to affect Vessels registered under previous Acts.

What Ships are entitled to be registered.

V. And be it enacted, That no Ship or Vessel shall be registered, or having been registered shall be deemed to be duly registered by virtue of this Act, except such as are wholly of the Build of the said United Kingdom, or of the *Isle of Man*, or of the Islands of *Guernsey* or *Jersey*, or of some of the Colonies, Plantations, Islands, or Territories in *Asia*, *Africa*, or *America*, or of *Malta*, *Gibraltar*, or *Heligoland*, which belonged to Her Majesty, Her Heirs or Successors, at the Time of the building of such Ships or Vessels, or such Ships or Vessels as shall have been condemned in any Court of Admiralty as Prize of War, or such Ships or Vessels as shall have been condemned in any competent Court as forfeited for the Breach of the Laws made for the Prevention of the Slave Trade, and which shall wholly belong and continue wholly to belong to Her Majesty's Subjects duly entitled to be Owners of Ships or Vessels registered by virtue of this Act.

Mediterranean Pass may be issued at Malta or Gibraltar for certain Ships only.

VI. And be it enacted, That no *Mediterranean* Pass shall be issued for the Use of any Ship as being a Ship belonging to *Malta* or *Gibraltar*, except such as be duly registered at those Places respectively, or such as, not being entitled to be so registered, shall have wholly belonged, before the Tenth Day of *October* One thousand eight hundred and twenty-seven, and shall have continued wholly to belong, to Persons actually residing at those Places respectively as Inhabitants thereof, and entitled to be Owners of *British* Ships there registered, or who, not being so entitled, shall have so resided upwards of Fifteen Years prior to the said Tenth Day of *October* One thousand eight hundred and twenty-seven.

Ships disqualified if Foreign Repairs exceed 20*s.* per Ton,

VII. And be it enacted, That no Ship or Vessel shall continue to enjoy the Privileges of a *British* Ship after the same shall have been repaired in a Foreign Country, if such Repairs shall exceed the Sum of Twenty Shillings for every Ton of the Burden of the said Ship or Vessel, unless such Repairs shall have been necessary, by reason of extraordinary Damage sustained by such Ship or Vessel during her Absence from Her Majesty's Dominions, to enable her to perform the Voyage in which she shall have been engaged, and to return to some Port or Place in the said Dominions; and whenever any Ship or Vessel which has been so repaired in a Foreign Country shall

arrive

arrive at any Port in Her Majesty's Dominions as a *British*-registered Ship or Vessel, the Master or other Person having the Charge or Command of the same shall, upon the first Entry thereof, report to the Collector and Comptroller of Her Majesty's Customs at such Port that such Ship or Vessel has been so repaired, under Penalty of Twenty Shillings for every Ton of the Burden of such Ship or Vessel, according to the Admeasurement thereof; and if it shall be proved to the Satisfaction of the Commissioners of Her Majesty's Customs that such Ship or Vessel was seaworthy at the Time when she last departed from any Port or Place in Her Majesty's Dominions, and that no greater Quantity of such Repairs have been done to the said Vessel than was necessary as aforesaid, it shall be lawful for the said Commissioners, upon a full Consideration of all the Circumstances, to direct the Collector and Comptroller of the Port where such Ship or Vessel shall have arrived, or where she shall then be, to certify on the Certificate of the Registry of such Ship or Vessel that it has been proved to the Satisfaction of the Commissioners of Her Majesty's Customs that the Privileges of the said Ship or Vessel have not been forfeited, notwithstanding the Repairs which have been done to the same in a Foreign Country.

unless the Necessity of such Repairs be proved to Commissioners of Customs.

VIII. And be it enacted, That if any Ship or Vessel registered under the Authority of this or any other Act shall be deemed or declared to be stranded or unseaworthy, and incapable of being recovered or repaired to the Advantage of the Owners thereof, and shall for such Reasons be sold by Order or Decree of any competent Court for the Benefit of the Owners of such Ship or Vessel or other Persons interested therein, the same shall be taken and deemed to be a Ship or Vessel lost or broken up to all Intents and Purposes within the Meaning of this Act, and shall never again be entitled to the Privileges of a *British*-built Ship for any Purposes of Trade or Navigation.

Ships declared unseaworthy to be deemed Ships lost or broken up.

IX. And be it enacted, That no *British* Ship or Vessel which has been or shall hereafter be captured by and become Prize to an Enemy, or sold to Foreigners, shall again be entitled to the Privileges of a *British* Ship: Provided always, that nothing contained in this Act shall extend to prevent the registering of any Ship or Vessel whatever which shall afterwards be condemned in any Court of Admiralty as Prize of War, or in any competent Court, for Breach of Laws made for the Prevention of the Slave Trade.

British Ships captured not to be again entitled to Registry; but Ships condemned in Courts of Admiralty may be registered.

X. And be it enacted, That no such Registry shall hereafter be made, or Certificate thereof granted, by any Person or Persons herein-before authorized to make such Registry and grant such Certificate, in any other Port or Place than the Port or Place to which such Ship or Vessel shall properly belong, except so far as relates to such Ships or Vessels as shall be condemned as Prizes in any of the Islands of *Guernsey*, *Jersey*, or *Man*, which Ships or Vessels shall be registered in manner herein-after directed; but all and every Registry and Certificate made and granted in any Port or Place to which any such Ship or Vessel does not properly belong shall be utterly null and void to all Intents and Purposes, unless the Officers aforesaid

Ships shall be registered at the Port to which they belong.

Commissioners of Customs may permit Registry at other Ports.

aforesaid shall be specially authorized and empowered to make such Registry and grant such Certificate in any other Port by an Order in Writing under the Hands of the Commissioners of Her Majesty's Customs, which Order the said Commissioners are hereby authorized and empowered to issue if they shall see fit; and at every Port where Registry shall be made in pursuance of this Act a Book shall be kept by the Collector and Comptroller, in which all the Particulars contained in the Form of the Certificate of the Registry herein-before directed to be used shall be duly entered; and every Registry shall be numbered in progression, beginning such progressive Numeration at the Commencement of each and every Year; and such Collector and Comptroller shall forthwith, or within One Month at the furthest, transmit to the Commissioners of Her Majesty's Customs a true and exact Copy, together with the Number of every Certificate which shall be by them so granted.

Book of Registers to be kept, and Accounts to be transmitted to Commissioners.

Port to which Vessels shall be deemed to belong.

Change of subscribing Owner to require Registry de novo.

If Registry de novo cannot be made, Ship may go One Voyage with Permission endorsed on Certificate of Registry.

Ships built in Foreign Possessions for Owners resident in United Kingdom may have a Certificate from the Collector, &c. to trade for Two Years or until Arrival in United Kingdom.

XI. And be it enacted, That every Ship or Vessel shall be deemed to belong to some Port at or near to which some or one of the Owners, who shall make and subscribe the Declaration required by this Act before Registry be made, shall reside; and whenever such Owner or Owners shall have transferred all his or their Share or Shares in such Ship or Vessel, the same shall be registered *de novo* before such Ship or Vessel shall sail or depart from the Port to which she shall then belong, or from any other Port which shall be in the same Part of the United Kingdom, or the same Colony, Plantation, Island, or Territory, as the said Port shall be in; Provided always, that if the Owner or Owners of such Ship or Vessel cannot, in sufficient Time comply with the Requisites of this Act, so that Registry may be made before it shall be necessary for such Ship or Vessel to sail or depart upon another Voyage, it shall be lawful for the Collector and Comptroller of the Port where such Ship or Vessel may then be to certify upon the Back of the existing Certificate of Registry of such Ship or Vessel that the same is to remain in force for the Voyage upon which the said Ship or Vessel is then about to sail or depart; Provided also, that if any Ship or Vessel shall be built in any of the Colonies, Plantations, Islands, or Territories in *Asia*, *Africa*, or *America*, to Her Majesty belonging, for Owners residing in the United Kingdom, and the Master of such Ship or Vessel, or the Agent for the Owner or Owners thereof, shall have produced to the Collector and Comptroller of the Port at or near to which such Ship or Vessel was built the Certificate of the Builder required by this Act, and shall have made and subscribed a Declaration before such Collector and Comptroller of the Names and Descriptions of the principal Owners of such Ship or Vessel, and that she is the identical Ship or Vessel mentioned in such Certificate of the Builder, and that no Foreigner, to the best of his Knowledge and Belief, has any Interest therein, the Collector and Comptroller of such Port shall cause such Ship or Vessel to be surveyed and measured in like Manner as is directed for the Purpose of registering any Ship or Vessel, and shall give the Master of such Ship or Vessel a Certificate under their Hands and Seals, purporting to be under the Authority of this Act, and stating when and where and by whom such Ship or Vessel was built, the Description, Tonnage, and other Particulars required

required on Registry of any Ship or Vessel, and such Certificate shall have all the Force and Virtue of a Certificate of Registry under this Act, during the Term of Two Years, unless such Ship shall sooner arrive at some Place in the United Kingdom; and such Collector and Comptroller shall transmit a Copy of such Certificate to the Commissioners of Her Majesty's Customs.

Foreigners and Persons residing in Foreign Countries may not be Owners, unless Members of British Factories, or Agents for or Partners in British Houses.

XII. And be it enacted, That no Person who has taken the Oath of Allegiance to any Foreign State, except under the Terms of some Capitulation, unless he shall afterwards become a Denizen or naturalized Subject of the United Kingdom by Her Majesty's Letters Patent or by Act of Parliament, nor any Person usually residing in any Country not under the Dominion of Her Majesty, Her Heirs and Successors, unless he be a Member of some *British* Factory, or Agent for or Partner in any House or Copartnership actually carrying on Trade in *Great Britain* or *Ireland*, shall be entitled to be the Owner, in whole or in part, directly or indirectly, of any Ship or Vessel required and authorized to be registered by virtue of this Act.

Declaration to be made by subscribing Owners previous to Registry.

XIII. And be it enacted, That no Registry shall henceforth be made or Certificate granted until the following Declaration be made and subscribed, before the Person or Persons herein-before authorized to make such Registry and grant such Certificate respectively, by the Owner of such Ship or Vessel if such Ship or Vessel is owned by or belongs to One Person only, or in case there shall be Two joint Owners, then by both of such joint Owners if both shall be resident within Twenty Miles of the Port or Place where such Registry is required, or by One of such Owners if One or both of them shall be resident at a greater Distance from such Port or Place, or if the Number of such Owners or Proprietors shall exceed Two, then by the greater Part of the Number of such Owners or Proprietors if the greater Number of them shall be resident within Twenty Miles of such Port or Place as aforesaid, not in any Case exceeding Three of such Owners or Proprietors, unless a greater Number shall be desirous to join in making and subscribing the said Declaration, or by One of such Owners if all, or all except One, shall be resident at a greater Distance:

Form of Declaration.

'I *A. B.* of [*Place of Residence and Occupation*] do truly declare, That the Ship or Vessel [*Name*] of [*Port or Place*], whereof [*Master's Name*] is at present Master, being [*Kind of Build, Burden, et cætera, as described in the Certificate of the Surveying Officer*], was [*when and where built, or, if Prize or forfeited, Capture and Condemnation as such*], and that I the said *A. B.* [*and the other Owners Names and Occupations, if any, and where they respectively reside, (videlicet,) Town, Place, or Parish, and County, or if Member of, and resident in any Factory in Foreign Parts, or in any Foreign Town or City, being an Agent for or Partner in any House or Copartnership actually carrying on Trade in* Great Britain *or* Ireland, *the Name of such Factory, Foreign Town, or City, and the Names of such House or Copartnership*] am [*or* are] sole Owner [*or* Owners] of the said Vessel, and that no other

'Person

'Person or Persons whatever hath or have any Right, Title, Interest, 'Share, or Property therein or thereto; and that I the said *A.B.* '[*and the said other Owners, if any,*] am [*or* are] truly and *bonâ* 'fide a Subject [*or* Subjects] of *Great Britain*, and that I the said 'A.B. have not [*nor have any of the other Owners, to the best of my* 'Knowledge and Belief,] taken the Oath of Allegiance to any 'Foreign State whatever [*except under the Terms of some Capitu-* 'lation, describing the Particulars thereof], or that since my taking '[*or* his *or* their taking] the Oath of Allegiance to [*naming the* 'Foreign States respectively to which he or any of the said Owners 'shall have taken the same] I have [*or* he *or* they hath *or* have] 'become a Denizen [*or* Denizens, *or* naturalized Subject or Subjects, 'as the Case may be,] of the United Kingdom of *Great Britain* and 'Ireland by Her Majesty's Letters Patent, or by an Act of Parlia- 'ment [*naming the Times when such Letters of Denization have* 'been granted respectively, or the Year or Years in which such Act 'or Acts for Naturalization have passed respectively], and that no 'Foreigner, directly or indirectly, hath any Share or Part Interest in 'the said Ship or Vessel:'

Declaration by Corporation.

Provided always, that if it shall become necessary to register any Ship or Vessel belonging to any Corporate Body in the United Kingdom, the following Declaration in lieu of the Declaration herein-before directed shall be taken and subscribed by the Secretary or other proper Officer of such Corporate Body; (that is to say,)

'I *A.B.*, Secretary [*or* Officer] of [*Name of Company or Corpora-* 'tion], do truly declare, That the Ship or Vessel [*Name*] of [*Port*], 'whereof [*Master's Name*] is at present Master, being [*Kind of* 'Build, Burden, et cætera, as described in the Certificate of the Sur- 'veying Officer], was [*when and where built, or, if Prize or forfeited,* 'Capture and Condemnation as such], and that the same doth wholly 'and truly belong to [*Name of Company or Corporation*].'

Addition to Declaration in case the required Number of Owners do not attend.

XIV. And be it enacted, That in case the required Number of joint Owners or Proprietors of any Ship or Vessel shall not personally attend to make and subscribe the Declaration herein-before directed to be made and subscribed, then and in such Case such Owner or Owners, Proprietor or Proprietors, as shall personally attend and make and subscribe the Declaration aforesaid, shall further declare that the Part Owner or Part Owners of such Ship or Vessel then absent is or are not resident within Twenty Miles of such Port or Place, and hath or have not, to the best of his or their Knowledge or Belief, wilfully absented himself or themselves in order to avoid the making the Declaration herein-before directed to be made and subscribed, or is or are prevented by Illness from attending to make and subscribe the said Declaration.

Survey.

Vessels to be surveyed previous to Registry.

XV. And in order to enable the Collector and Comptroller of Her Majesty's Customs to grant a Certificate truly and accurately describing every Ship or Vessel to be registered in pursuance of this Act, and also to enable all other Officers of Her Majesty's Customs, on due Examination, to discover whether any such Ship or Vessel is the same with that for which a Certificate is alleged to have been

granted, be it enacted, That previous to the registering or granting of any Certificate of Registry as aforesaid some One or more Person or Persons appointed by the Commissioners of Her Majesty's Customs (taking to his or their Assistance, if he or they shall judge it necessary, One or more Person or Persons skilled in the building and Admeasurement of Ships,) shall go on board of every such Ship or Vessel as is to be registered, and shall strictly and accurately examine and admeasure every such Ship or Vessel as to all and every particular contained in the Form of the Certificate herein-before directed, in the Presence of the Master or of any other Person who shall be appointed for that Purpose on the Part of the Owner or Owners, or in his or their Absence by the said Master, and shall deliver a true and just Account in Writing of all such Particulars of the Build, Description, and Admeasurement of every such Ship or Vessel as are specified in the Form of the Certificate above recited to the Collector and Comptroller authorized as aforesaid to make such Registry and grant such Certificate of Registry; and the said Master or other Person attending on the Part of the Owner or Owners is hereby required to sign his Name also to the Certificate of such Surveying or Examining Officer, in testimony of the Truth thereof, provided such Master or other Person shall consent and agree to the several Particulars set forth and described therein.

Survey.

Certificate of Survey to be given.

Owner or Master concurring therein.

XVI. And be it enacted, That from and after the Commencement of this Act the Tonnage of every Ship or Vessel required by Law to be registered shall, previous to her being registered, be measured and ascertained while her Hold is clear, and according to the following Rule; (that is to say,) divide the Length of the upper Deck between the after Part of the Stem and the fore Part of the Stern-post into Six equal Parts; Depths, at the foremost, the middle, and the aftermost of those Points of Division, measure in Feet and decimal Parts of a Foot the Depths from the under Side of the upper Deck to the Ceiling at the Limber Strake; in the Case of a Break in the upper Deck the Depths are to be measured from a Line stretched in a Continuation of the Deck; Breadths, divide each of those Three Depths into Five equal Parts, and measure the inside Breadths at the following Points; (*videlicet*,) at One Fifth and at Four Fifths from the upper Deck of the foremost and aftermost Depths, and at Two Fifths and Four Fifths from the upper Deck of the Midship Depth; Length, at Half the Midship Depth measure the Length of the Vessel from the after Part of the Stem to the fore Part of the Stern-post; then to Twice the Midship Depth add the foremost and the aftermost Depths for the Sum of the Depths; add together the upper and lower Breadths at the foremost Division, Three Times the upper Breadth and the lower Breadth at the Midship Division, and the upper and Twice the lower Breadth at the after Division, for the Sum of the Breadths; then multiply the Sum of the Depths by the Sum of the Breadths, and this Product by the Length, and divide the final Product by Three thousand five hundred, which will give the Number of Tons for Register; if the Vessel have a Poop or Half Deck or a Break in the upper Deck, measure the inside mean Length, Breadth, and Height of such Part thereof as may be included within the Bulkhead; multiply these Three Measurements together, and dividing the Product by 92·4, the Quotient will be

The Rule by which Tonnage of Vessels is to be ascertained.

Survey.

the Number of Tons to be added to the Result as above found; in order to ascertain the Tonnage of open Vessels the Depths are to be measured from the upper Edge of the upper Strake.

Mode of ascertaining Tonnage of Steam Vessels.

XVII. Provided always, and be it enacted, That in each of the several Rules herein-before prescribed, when applied for the Purpose of ascertaining the Tonnage of any Ship or Vessel propelled by Steam, the Tonnage due to the Cubical Contents of the Engine Room shall be deducted from the total Tonnage of the Vessel as determined by either of the Rules aforesaid, and the Remainder shall be deemed the true Register Tonnage of the said Ship or Vessel; the Tonnage due to the Cubical Contents of the Engine Room shall be determined in the following Manner; (that is to say,) measure the inside Length of the Engine Room in Feet and decimal Parts of a Foot from the foremost to the aftermost Bulkhead, then multiply the said Length by the Depth of the Ship or Vessel at the Midship Division as aforesaid, and the Product by the inside Breadth at the same Division at Two Fifths of the Depth from the Deck, taken as aforesaid, and divide the last Product by 92·4, and the Quotient shall be deemed the Tonnage due to the Cubical Contents of the Engine Room.

Length and Cubical Contents of Engine Room to be set forth in Description of Steam Vessel.

XVIII. Provided always, and be it enacted, That the Tonnage due to the Cubical Contents of the Engine Room, and also the Length of the Engine Room, shall be set forth in the Certificate of Registry as Part of the Description of the Ship or Vessel, and that any Alteration of such Tonnage due to the Cubical Contents of the Engine Room, or of such Length of the Engine Room after Registry, shall be deemed to be an Alteration requiring Registry *de novo* within the Meaning of this Act.

Rule for measuring Ships with Cargoes on board.

XIX. And be it enacted, That for the Purpose of ascertaining the Tonnage of all such Ships as there shall be occasion to measure while their Cargoes are on board, the following Rule shall be observed, and is hereby established; (that is to say,) measure first the Length on the upper Deck between the after Part of the Stem and the fore Part of the Stern-post; secondly, the inside Breadth on the under Side of the upper Deck at the middle Point of the Length; and, thirdly, the Depth from the under Side of the upper Deck down the Pump Well to the Skin; multiply these Three Dimensions together, and divide the Product by One hundred and thirty, and the Quotient will be the Amount of the Register Tonnages of such Ships; if the Vessel have a Poop or Half Deck or a Break in the upper Deck, measure the inside mean Length, Breadth, and Height of such Part thereof as may be included within the Bulkhead, multiply these Three Measurements together, and, dividing the Product by Ninety-two and Four Tenths, the Quotient will be the Number of Tons to be added to the Result above found.

Amount of registered Tonnage to be carved on Main Beam.

XX. And be it enacted, That the true Amount of the Register Tonnage of every Ship or Vessel required by Law to be registered, ascertained according to the Rule by this Act established, shall be deeply carved or cut in Figures at least Three Inches in Length on the Main Beam of every such Ship or Vessel prior to her being registered.

XXI. And

Not to alter Tonnage of Vessels already registered.

XXI. And be it enacted, That nothing herein contained shall extend to alter the present Measure of Tonnage of any Ship or Vessel which shall have been registered prior to the Commencement of this Act, unless in Cases where the Owners of any such Ships shall require to have their Tonnage established according to the Rule herein-before provided, or unless there shall be occasion to have any such Ship admeasured again on account of any Alteration which shall have been made in the Form or Burden of the same, in which Cases only such Ships shall be re-admeasured according to the said Rule, and their Tonnage registered accordingly.

Tonnage when so ascertained to be ever after deemed the Tonnage.

XXII. And be it enacted, That whenever the Tonnage of any Ship or Vessel shall have been ascertained according to the Rules herein prescribed, such Account of Tonnage shall ever after be deemed the Tonnage of such Ship or Vessel, and shall be repeated in every subsequent Registry of such Ship or Vessel, unless it shall happen that any Alteration has been made in the Form and Burden of such Ship or Vessel, or it shall be discovered that the Tonnage of such Ship or Vessel had been erroneously taken and computed.

Bond to be given at the Time of Registry.

XXIII. And be it enacted, That at the Time of the obtaining of the Certificate of Registry as aforesaid sufficient Security by Bond shall be given to Her Majesty, Her Heirs and Successors, by the Master and such of the Owners as shall personally attend as is herein-before required, such Security to be approved of and taken by the Person or Persons herein-before authorized to make such Registry, and grant such Certificate of Registry, at the Port or Place in which such Certificate shall be granted, in the Penalties following; (that is to say,) if such Ship or Vessel shall be a decked Vessel, or be above the Burden of Fifteen Tons, and not exceeding Fifty Tons, then in the Penalty of One hundred Pounds; if exceeding the Burden of Fifty Tons, and not exceeding One hundred Tons, then in the Penalty of Three hundred Pounds; if exceeding the Burden of One hundred Tons, and not exceeding Two hundred Tons, then in the Penalty of Five hundred Pounds; if exceeding the Burden of Two hundred Tons, and not exceeding Three hundred Tons, then in the Penalty of Eight hundred Pounds; and if exceeding the Burden of Three hundred Tons, then in the Penalty of One thousand Pounds; and the Condition of every such Bond shall be, that such Certificate shall not be sold, lent, or otherwise disposed of to any Person or Persons whatever, and that the same shall be solely made use of for the Service of the Ship or Vessel for which it is granted; and that in case such Ship or Vessel shall be lost or taken by the Enemy, burnt or broken up, or otherwise prevented from returning to the Port to which she belongs, or shall on any account have lost and forfeited the Privileges of a *British* Ship, or shall have been seized and legally condemned for illicit Trading, or shall have been taken in execution for Debt, and sold by due Process of Law, or shall have been sold to the Crown, or shall under any Circumstances have been registered *de novo*, the Certificate, if preserved, shall be delivered up within One Month after the Arrival of the Master in any Port or Place in Her Majesty's Dominions to the Collector and Comptroller of some Port in *Great Britain*, or of the *Isle of Man*, or of the *British* Plantations, or to the Governor,

Conditions that the Certificate shall be solely made use of for the Service of the Vessel, or given up to be cancelled, in certain Cases.

Registry.

Governor, Lieutenant Governor, or Commander-in-Chief for the Time being of the Islands of *Guernsey* or *Jersey;* and that if any Foreigner, or any Person or Persons for the Use and Benefit of any Foreigner, shall purchase or otherwise become entitled to the whole or to any Part or Share of or any Interest in such Ship or Vessel, and the same shall be within the Limits of any Port of *Great Britain*, or of the Islands of *Guernsey*, *Jersey*, or *Man*, or of the *British* Colonies, Plantations, Islands, or Territories aforesaid, then and in such Case the Certificate of Registry shall, within Seven Days after such Purchase or Transfer of Property in such Ship or Vessel, be delivered up to the Person or Persons herein-before authorized to make Registry, and grant Certificate of Registry, at such Port or Place respectively as aforesaid; and if such Ship or Vessel shall be in any Foreign Port when such Purchase or Transfer of Property shall take place, then that the Certificate shall be delivered up to the *British* Consul or other chief *British* Officer resident at or nearest to such Foreign Port, or if such Ship or Vessel shall be at Sea when such Purchase or Transfer of Property shall take place, then that the Certificate shall be delivered up to the *British* Consul or other chief *British* Officer at the Foreign Port or Place in or at which the Master or other Person having or taking the Charge or Command of such Ship or Vessel shall first arrive after such Purchase or Transfer of Property at Sea, immediately after his Arrival at such Foreign Port; but if such Master or other Person who had the Command thereof at the Time of such Purchase or Transfer of Property at Sea shall not arrive at a Foreign Port, but shall arrive at some Port of *Great Britain*, or of the Islands of *Guernsey*, *Jersey*, or *Man*, or of Her Majesty's said Colonies, Plantations, Islands, or Territories, then that the Certificate shall be delivered up in manner aforesaid within Fourteen Days after the Arrival of such Ship or Vessel, or of the Person who had the Command thereof in any Port of *Great Britain*, or of the Islands of *Guernsey*, *Jersey*, or *Man*, or of any of Her Majesty's said Colonies, Plantations, Islands, or Territories: Provided always, that if it shall happen that at the Time of Registry of any Ship or Vessel the same shall be at any other Port than the Port to which she belongs, so that the Master of such Ship or Vessel cannot attend at the Port of Registry to join with the Owner or Owners in such Bond as aforesaid, it shall be lawful for him to give a separate Bond to the like Effect at the Port where such Ship or Vessel may then be, and the Collector and Comptroller of such other Port shall transmit such Bond to the Collector and Comptroller of the Port where such Ship or Vessel is to be registered; and such Bond, and the Bond also given by the Owner or Owners, shall together be of the same Effect against the Master and Owner or Owners, or either of them, as if they had bound themselves jointly and severally in One Bond.

If Ship at the Time of Registry be at any other Port than that of Registry, the Master may there give Bond.

When Master is changed, new Master to give similar Bond, and his Name to be endorsed on Certificate of Registry.

XXIV. And be it enacted, That when and so often as the Master or other Person having or taking the Charge or Command of any Ship or Vessel, registered in manner herein-before directed, shall be changed, the Master or Owner of such Ship or Vessel shall deliver to the Person or Persons herein-before authorized to make such Registry, and grant such Certificates of Registry, at the Port where such Change shall take place, the Certificate of Registry belonging to such Ship or Vessel, who shall thereupon endorse and subscribe a Memorandum

of such Change, and shall forthwith give Notice of the same to the proper Officer of the Port or Place where such Ship or Vessel was last registered pursuant to this Act, who shall likewise make a Memorandum of the same in the Book of Registers which is hereby directed and required to be kept, and shall forthwith give Notice thereof to the Commissioners of Her Majesty's Customs: Provided always, that before the Name of such new Master shall be endorsed on the Certificate of Registry he shall be required to give and shall give a Bond in the like Penalties and under the same Conditions as are contained in the Bond herein-before required to be given at the Time of Registry of any Ship or Vessel. *Registry.*

XXV. And be it enacted, That all Bonds required by this Act shall be liable to the same Duties of Stamps as Bonds given for or in respect of the Duties of Customs are or shall be liable to under any Act for the Time being in force for granting Duties of Stamps. Bonds liable to same Duties as Bonds for Customs.

XXVI. And be it enacted, That if any Person whatever shall at any Time have possession of and wilfully detain any Certificate of Registry granted under this or any other Act, which ought to be delivered up to be cancelled, according to any of the Conditions of the Bond herein-before required to be given upon the Registry of any Ship or Vessel, such Person is hereby required and enjoined to deliver up such Certificate of Registry in manner directed by the Conditions of such Bond in the respective Cases and under the respective Penalties therein provided. Certificate of Registry to be given up by all Persons as directed by the Bond.

XXVII. And be it enacted, That it shall not be lawful for any Owner or Owners of any Ship or Vessel to give any Name to such Ship or Vessel other than that by which she was first registered in pursuance of this or any other Act; and the Owner or Owners of all and every Ship or Vessel which shall be so registered shall, before such Ship or Vessel after such Registry shall begin to take in any Cargo, paint or cause to be painted in White or Yellow Letters, of a Length of not less than Four Inches, upon a Black Ground, upon some conspicuous Part of the Stern, the Name by which such Ship or Vessel shall have been registered, and the Port to which she belongs, in a distinct and legible Manner, and shall so keep and preserve the same; and if such Owner or Owners, or Master or other Person having or taking the Charge or Command of such Ship or Vessel, shall permit such Ship or Vessel to begin to take in any Cargo before the Name of such Ship or Vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done, (unless in the Case of square-rigged Vessels in Time of War,) or shall, in any written or printed Paper or other Document describe such Ship or Vessel by any Name other than that by which she was first registered, or shall verbally describe or cause or procure or permit such Ship or Vessel to be described by any other Name to any Officer or Officers of Her Majesty's Revenue in the due Execution of his or their Duty, then and in every such Case such Owner or Owners, or Master or other Person having or taking the Charge or Command of such Ship or Vessel, shall forfeit the sum of One hundred Pounds. Name of Vessel which has been registered never afterwards to be changed, and to be painted on the Stern. Penalty for Omission, 100*l.*

Builder's Certificate of Particulars of Ship.

XXVIII. And be it enacted, That all and every Person and Persons who shall apply for a Certificate of the Registry of any Ship or Vessel shall and they are hereby required to produce to the Person or Persons authorized to grant such Certificate a true and full Account, under the Hand of the Builder of such Ship or Vessel, of the proper Denomination of such Vessel, and of the Time when and the Place where such Ship or Vessel was built, and also an exact Account of the Tonnage of such Ship or Vessel, together with the Name of the first Purchaser or Purchasers thereof, (which Account such Builder is hereby directed and required to give under his Hand, on the same being demanded by such Person or Persons so applying for a Certificate as aforesaid,) and shall also make and subscribe a Declaration before the Person or Persons herein-before authorized to grant such Certificate that the Ship or Vessel for which such Certificate is required is the same with that which is so described by the Builder as aforesaid: Provided always, that where by reason of the Death of such Builder, or some other unavoidable Cause, such Certificate cannot be produced, it shall be lawful for the Commissioners of Her Majesty's Customs, on Proof being made to their Satisfaction of all the Particulars required as aforesaid, to dispense with the Account hereby required under the Hand of the Builder, and to allow the Certificate of Registry to be granted.

Declaration to be made thereto.

Power to Commissioners of Customs to dispense with Builder's Certificate.

Certificate of Registry lost or mislaid.

XXIX. And be it enacted, That if the Certificate of Registry of any Ship or Vessel shall be lost or mislaid so that the same cannot be found or obtained for the Use of such Ship or Vessel when needful, and Proof thereof shall be made to the Satisfaction of the Commissioners of Her Majesty's Customs, such Commissioners shall and may permit such Ship or Vessel to be registered *de novo*, and a Certificate thereof to be granted: Provided always, that if such Ship or Vessel be absent and far distant from the Port to which she belongs, or by reason of the Absence of the Owner or Owners, or of any other Impediment, Registry of the same cannot then be made in sufficient Time, such Commissioners shall and may grant a Licence for the present Use of such Ship or Vessel, which Licence shall, for the Time and to the Extent specified therein, and no longer, be of the same Force and Virtue as a Certificate of Registry: Provided also, that before such Registry *de novo* be made the Owner or Owners and Master shall give Bond to the Commissioners aforesaid, in such Sum as to them shall seem fit, with a Condition that if the Certificate of Registry shall at any Time afterwards be found the same shall be forthwith delivered to the proper Officers of Her Majesty's Customs to be cancelled, and that no illegal Use has been or shall be made thereof with his or their Privity or Knowledge; and further, that before any such Licence shall be granted as aforesaid the Master of such Ship or Vessel shall also make and subscribe a Declaration that the same has been registered as a *British* Ship, naming the Port where and the Time when such Registry was made, and all the Particulars contained in the Certificate thereof, to the best of his Knowledge and Belief, and shall also give such Bond and with the same Condition as is herein-before mentioned: Provided also, that before any such Licence shall be granted such Ship or Vessel shall be surveyed in like Manner as if a Registry *de novo* were about to be made thereof, and the Certificate of such Survey shall be preserved

Commissioners may permit Registry de novo, or grant Licence.

by

Registry.

by the Collector and Comptroller of the Port to which such Ship or Vessel shall belong; and in virtue thereof it shall be lawful for the said Commissioners and they are hereby required to permit such Ship or Vessel to be registered after her Departure, whenever the Owner or Owners shall personally attend to take and subscribe the Declaration required by this Act before Registry be made, and shall also comply with all other Requisites of this Act, except so far as relates to the Bond to be given by the Master of such Ship or Vessel, which Certificate or Registry the said Commissioners shall and may transmit to the Collector and Comptroller of any other Port, to be by them given to the Master of such Ship or Vessel upon his giving such Bond, and delivering up the Licence which had been granted for the then present Use of such Ship or Vessel.

Persons detaining Certificate of Registry to forfeit 100*l.*

XXX. And whereas it is not proper that any Person, under any Pretence whatever, should detain the Certificate of Registry of any Ship or Vessel, or hold the same for any Purpose other than the lawful Use and Navigation of the Ship or Vessel for which it was granted; be it therefore enacted, That in case any Person who shall have received or obtained, by any Means or for any Purpose whatever, the Certificate of the Registry of any Ship or Vessel, (whether such Person shall claim to be the Master or to be the Owner or one of the Owners of such Ship or Vessel or not,) shall wilfully detain and refuse to deliver up the same to the proper Officers of Her Majesty's Customs for the Purposes of such Ship or Vessel, as Occasion shall require, or to the Person or Persons having the actual Command, Possession, and Management of such Ship or Vessel as the ostensible and reputed Master, or as the ostensible and reputed Owner or Owners thereof, it shall be lawful to and for any such last-mentioned Person to make Complaint, on Oath, of such Detainer and Refusal to any Justice of the Peace residing near to the Place where such Detainer and Refusal shall be in *Great Britain* or *Ireland*, or to any Member of the Supreme Court of Justice, or to any Deemster or Justice of the Peace, in the Islands of *Jersey*, *Guernsey*, or *Man*, or in any Colony, Plantation, Island, or Territory to Her Majesty belonging in *Asia*, *Africa*, or *America*, or in *Malta*, *Gibraltar*, or *Heligoland*, where such Detainer and Refusal shall be in any of the Places last mentioned; and on such Complaint the said Justice or other Magistrate shall and is hereby required, by Warrant under his Hand and Seal, to cause the Person so complained against to be brought before him to be examined touching such Detainer and Refusal; and if it shall appear to the said Justice or other Magistrate, on Examination of such Person or otherwise, that the said Certificate of Registry is not lost or mislaid, but is wilfully detained by the said Person, such Person shall be thereof convicted, and shall forfeit and pay the Sum of One hundred Pounds, and on failure of Payment thereof he shall be committed to the Common Gaol, there to remain without Bail or Mainprize for such Time as the said Justice or other Magistrate shall in his Discretion deem proper, not being less than Three Months nor more than Twelve Months; and the said Justice or other Magistrate shall certify the aforesaid Detainer, Refusal, and Conviction to the Person or Persons who granted such Certificate of Registry for such Ship or Vessel, who shall, on the Terms and Conditions of Law being complied with, make

Registry.

make Registry of such Ship or Vessel *de novo*, and grant a Certificate thereof conformably to Law, notifying on the Back of such Certificate the Ground upon which such Ship or Vessel was so registered *de novo*; and if the Person who shall have detained and refused to deliver up such Certificate of Registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded, so that the said Warrant of the Justice or other Magistrate cannot be executed upon him, and Proof thereof shall be made to the Satisfaction of the Commissioners of Her Majesty's Customs, it shall be lawful for the said Commissioners to permit such Ship or Vessel to be registered *de novo*, or otherwise, in their Discretion, to grant a Licence for the present Use of such Ship or Vessel, in like Manner as is herein-before provided in the Case wherein the Certificate of Registry is lost or mislaid.

Ship altered in certain Manner to be registered de novo.

XXXI. And be it enacted, That if any Ship or Vessel, after she shall have been registered, shall in any Manner whatever be altered so as not to correspond with all the Particulars contained in the Certificate of her Registry, in such Case such Ship or Vessel shall be registered *de novo*, in manner herein-before required, as soon as she returns to the Port to which she belongs, or to any other Port which shall be in the same Part of the United Kingdom, or in the same Colony, Plantation, Island, or Territory as the said Port shall be in, on failure whereof such Ship or Vessel shall to all Intents and Purposes be considered and deemed and taken to be a Ship or Vessel not duly registered.

Vessels condemned as Prize, or for Breach of Laws against Slave Trade, Certificate of Condemnation to be produced.

XXXII. And be it enacted, That the Owner or Owners of all Ships and Vessels taken by any of Her Majesty's Ships or Vessels of War, or by any private or other Ship or Vessel, and condemned as lawful Prize in any Court of Admiralty, or of Ships or Vessels condemned in any competent Court as forfeited for Breach of the Laws for the Prevention of the Slave Trade, shall, for the Purpose of registering any such Ship or Vessel, produce to the Collector and Comptroller of Her Majesty's Customs a Certificate of the Condemnation of such Ship or Vessel under the Hand and Seal of the Judge of the Court in which such Ship or Vessel shall have been condemned (which Certificate such Judge is hereby authorized and required to grant), and also a true and exact Account in Writing of all the Particulars contained in the Certificate herein-before set forth, to be made and subscribed by One or more skilful Person or Persons to be appointed by the Court then and there to survey such Ship or Vessel, and shall also make and subscribe a Declaration before the Collector and Comptroller that such Ship or Vessel is the same Vessel which is mentioned in the Certificate of the Judge aforesaid.

Prize Vessels not to be registered at Guernsey, Jersey, or Man, but at certain Ports.

XXXIII. Provided always, and be it enacted, That no Ship or Vessel which shall be taken and condemned as Prize or Forfeiture as aforesaid shall be registered in the Islands of *Guernsey*, *Jersey*, or *Man*, although belonging to Her Majesty's Subjects residing in those Islands, or in some one or other of them, but the same shall be registered either at *Southampton*, *Weymouth*, *Exeter*, *Plymouth*, *Falmouth*, *Liverpool*, or *Whitehaven* by the Collector and Comptroller at such Ports respectively, who are hereby authorized and

required to register such Ship or Vessel, and to grant a Certificate thereof in the Form and under the Regulations and Restrictions in this Act contained.

Transfers.

Transfer of Interest to be made by Bill of Sale.

XXXIV. And be it enacted, That when and so often as the Property in any Ship or Vessel, or any Part thereof, belonging to any of Her Majesty's Subjects, shall, after Registry thereof, be sold to any other or others of Her Majesty's Subjects, the same shall be transferred by Bill of Sale, or other Instrument in Writing, containing a Recital of the Certificate of Registry of such Ship or Vessel, or the principal Contents thereof, otherwise such Transfer shall not be valid or effectual for any Purpose whatever either in Law or in Equity: Provided always, that no Bill of Sale shall be deemed void by reason of any Error in such Recital, or by the Recital of any former Certificate of Registry instead of the existing Certificate, provided the Identity of the Ship or Vessel intended in the Recital be effectually proved thereby.

Property in Ships to be divided into Sixty-four Parts or Shares.

XXXV. And be it enacted, That the Property in every Ship or Vessel of which there are more than One Owner shall be taken and considered to be divided into Sixty-four equal Parts or Shares, and the Proportion held by each Owner shall be described in the Registry as being a certain Number of Sixty-fourth Parts or Shares, and that no Person shall be entitled to be registered as an Owner of any Ship or Vessel in respect of any Proportion of such Ship or Vessel which shall not be an integral Sixty-fourth Part or Share of the same; and upon the first Registry of any Ship or Vessel, the Owner or Owners who shall take and subscribe the Declaration required by this Act before Registry be made shall also declare the Number of such Parts or Shares then held by each Owner, and the same shall be so registered accordingly: Provided always, that if it shall at any Time happen that the Property of any Owner or Owners in any Ship or Vessel cannot be reduced by Division into any Number of integral Sixty-fourth Parts or Shares, it shall and may be lawful for the Owner or Owners of such fractional Parts as shall be over and above such Number of integral Sixty-fourth Parts or Shares into which such Property in any Ship or Vessel can be reduced by Division to transfer the same one to another, or jointly to any new Owner, by Memorandum upon their respective Bills of Sale, or by fresh Bill of Sale, without such Transfer being liable to any Stamp Duty: Provided also, that the Right of any Owner or Owners to any such fractional Parts shall not be affected by reason of the same not having been registered: Provided also, that it shall be lawful for any Number of such Owners named and described in such Registry, being Partners in any House or Copartnership actually carrying on Trade in any Part of Her Majesty's Dominions, to hold any Ship or Vessel, or any Share or Shares of any Ship or Vessel, in the Name of such House or Copartnership, as joint Owners thereof, without distinguishing the proportionate Interest of each of such Owners; and that such Ship or Vessel, or the Share or Shares thereof so held in Copartnership, shall be deemed and taken to be Partnership Property to all Intents and Purposes, and shall be governed by the same Rules both in Law and Equity as relate to and govern all other Partnership Property in any other Goods, Chattels, and Effects whatsoever.

Only Thirty-two Persons to be Owners of any Ship at One Time.

XXXVI. And be it enacted, That no greater Number than Thirty-two Persons shall be entitled to be legal Owners at One and the same Time of any Ship or Vessel as Tenants in common, or to be registered as such: Provided always, that nothing herein contained shall affect the equitable Title of Minors, Heirs, Legatees, Creditors, or others, exceeding that Number, duly represented by or holding from any of the Persons within the said Number registered as legal Owners of any Share or Shares of such Ship or Vessel: Provided also, that if it shall be proved to the Satisfaction of the Commissioners of Her Majesty's Customs that any Number of Persons have associated themselves as a Joint Stock Company for the Purpose of owning any Ship or Vessel, or any Number of Ships or Vessels, as the joint Property of such Company, and that such Company have duly elected or appointed any Number not less than Three of the Members of the same to be Trustees of the Property in such Ship or Vessel or Ships or Vessels so owned by such Company, it shall be lawful for such Trustees, or any Three of them, with the Permission of such Commissioners, to make and subscribe the Declaration required by this Act before Registry be made, except that instead of stating therein the Names and Descriptions of the other Owners they shall state the Name and Description of the Company to which such Ship or Vessel or Ships or Vessels shall in such Manner belong.

Joint Stock Companies.

Trustees may apply to have Registry made.

Bills of Sale not effectual until produced to Officers of Customs, and entered in the Book of Registry or of intended Registry.

XXXVII. And be it enacted, That no Bill of Sale or other Instrument in Writing shall be valid and effectual to pass the Property in any Ship or Vessel, or in any Share thereof, or for any other Purpose, until such Bill of Sale or other Instrument in Writing shall have been produced to the Collector and Comptroller of the Port at which such Ship or Vessel is already registered, or to the Collector and Comptroller of any other Port at which she is about to be registered *de novo*, as the Case may be, nor until such Collector and Comptroller respectively shall have entered in the Book of such last Registry in the one Case, or in the Book of such Registry *de novo*, after all the Requisites of Law for such Registry *de novo* shall have been duly complied with, in the other Case, (and which they are respectively hereby required to do upon the Production of the Bill of Sale or other Instrument for that Purpose,) the Name, Residence, and Description of the Vendor or Mortgagor, or of each Vendor or Mortgagor if more than One, the Number of Shares transferred, the Name, Residence, and Description of the Purchaser or Mortgagee, or of each Purchaser or Mortgagee if more than One, and the Date of the Bill of Sale or other Instrument and of the Production of it; and further, if such Ship or Vessel is not about to be registered *de novo*, the Collector and Comptroller of the Port where such Ship is registered shall and they are hereby required to endorse the aforesaid Particulars of such Bill of Sale or other Instrument on the Certificate of Registry of the said Ship or Vessel, when the same shall be produced to them for that Purpose, in manner and to the Effect following; (*videlicet*,)

Form of Endorsement.

'Custom House, [*Port and Date.*]

'*Name, Residence, and Description of Vendor or Mortgagor*]
'has transferred by [*Bill of Sale or other Instrument*], dated [*Date;*]
'*Number of Shares*] to [*Name, Residence, and Description of*
'*Purchaser or Mortgagee*].

'*A. B.* Collector.
'*C. D.* Comptroller.'

And

Transfers.

And forthwith to give Notice thereof to the Commissioners of Customs; and in case the Collector and Comptroller shall be desired so to do, and the Bill of Sale or other Instrument shall be produced to them for that Purpose, then the said Collector and Comptroller are hereby required to certify by Endorsement upon the Bill of Sale or other Instrument that the Particulars before mentioned have been so entered in the Book of Registry, and endorsed upon the Certificate of Registry as aforesaid.

Entry of Bill of Sale to be valid, except in certain Cases.

XXXVIII. And be it enacted, That when and so soon as the Particulars of any Bill of Sale or other Instrument by which any Ship or Vessel, or any Share or Shares thereof, shall be transferred, shall have been so entered in the Book of Registry as aforesaid, the said Bill of Sale or other Instrument shall be valid and effectual to pass the Property thereby intended to be transferred as against all and every Person and Persons whatsoever, and to all Intents and Purposes, except as against such subsequent Purchasers and Mortgagees who shall first procure the Endorsement to be made upon the Certificate of Registry of such Ship or Vessel in manner herein-after mentioned.

When a Bill of Sale has been entered for any Shares, Thirty Days shall be allowed for endorsing the Certificate of Registry before any other Bill of Sale for the same shall be entered.

XXXIX. And be it enacted, That when and after the Particulars of any Bill of Sale or other Instrument by which any Ship or Vessel, or any Share or Shares thereof, shall be transferred, shall have been so entered in the Book of Registry as aforesaid, the Collector and Comptroller shall not enter in the Book of Registry the Particulars of any other Bill of Sale or Instrument purporting to be a Transfer by the same Vendor or Mortgagor or Vendors or Mortgagors of the same Ship or Vessel, Share or Shares thereof, to any other Person or Persons, unless Thirty Days shall elapse from the Day on which the Particulars of the former Bill of Sale or other Instrument were entered in the Book of Registry, or in case the Ship or Vessel was absent from the Port to which she belonged at the Time when the Particulars of such former Bill of Sale or other Instrument were entered in the Book of Registry, then unless Thirty Days shall have elapsed from the Day on which the Ship or Vessel arrived at the Port to which the same belonged; and in case the Particulars of Two or more such Bills of Sale or other Instruments as aforesaid shall at any Time have been entered in the Book of Registry of the said Ship or Vessel, the Collector and Comptroller shall not enter in the Book of Registry the Particulars of any other Bill of Sale or other Instrument as aforesaid, unless Thirty Days shall in like Manner have elapsed from the Day on which the Particulars of the last of such Bills of Sale or other Instrument were entered in the Books of Registry, or from the Day on which the Ship or Vessel arrived at the Port to which she belonged, in case of her Absence as aforesaid; and in every Case where there shall at any Time happen to be Two or more Transfers by the same Owner or Owners of the same Property in any Ship or Vessel entered in the Book of Registry as aforesaid, the Collector and Comptroller are hereby required to endorse upon the Certificate of Registry of such Ship or Vessel the Particulars of that Bill of Sale or other Instrument under which the Person or Persons claims or claim Property, who shall produce the Certificate of Registry for that Purpose within Thirty Days next after the Entry of his said Bill of Sale or

other

other Instrument in the Book of Registry as aforesaid, or within Thirty Days next after the Return of the said Ship or Vessel to the Port to which she belongs, in case of her Absence at the Time of such Entry as aforesaid; and in case no Person or Persons shall produce the Certificate of Registry within either of the said Spaces of Thirty Days, then it shall be lawful for the Collector and Comptroller and they are hereby required to endorse upon the Certificate of Registry the Particulars of the Bill of Sale or other Instrument to such Person or Persons as shall first produce the Certificate of Registry for that Purpose, it being the true Intent and Meaning of this Act that the several Purchasers and Mortgagees of such Ship or Vessel, Share or Shares thereof, when more than One appear to claim the same Property, or to claim Security on the same Property, in the same Rank and Degree, shall have Priority one over the other, not according to the respective Times when the Particulars of the Bill of Sale or other Instrument by which such Property was transferred to them were entered in the Book of Registry as aforesaid, but according to the Time when the Endorsement is made upon the Certificate of Registry as aforesaid: Provided always, that if the Certificate of Registry shall be lost or mislaid, or shall be detained by any Person whatever, so that the Endorsement cannot in due Time be made thereon, and Proof thereof shall be made by the Purchaser or Mortgagee, or his known Agent, to the Satisfaction of the Commissioners of Her Majesty's Customs, it shall be lawful for the said Commissioners to grant such further Time as to them shall appear necessary for the Recovery of the Certificate of Registry, or for the Registry *de novo* of the said Ship or Vessel under the Provisions of this Act; and thereupon the Collector and Comptroller shall make a Memorandum in the Book of Registers of the further Time so granted, and during such Time no other Bill of Sale shall be entered for the Transfer of the same Ship or Vessel, or the same Share or Shares thereof, or for giving the same Security thereon.

Nature of the Priority intended in this Act.

Provision in case Certificate be mislaid.

Bills of Sale may be produced after Entry at other Ports than those to which Vessels belong, and Transfers endorsed on Certificate of Registry.

XL. And be it enacted, That if the Certificate of Registry of such Ship or Vessel shall be produced to the Collector and Comptroller of any Port where she may then be after any such Bill of Sale shall have been recorded at the Port to which she belongs, together with such Bill of Sale containing a Notification of such Record, signed by the Collector or Comptroller of such Port as before directed, it shall be lawful for the Collector and Comptroller of such other Port to endorse on such Certificate of Registry (being required so to do) the Transfer mentioned in such Bill of Sale, and such Collector and Comptroller shall give Notice thereof to the Collector and Comptroller of the Port to which such Ship or Vessel belongs, who shall record the same in like Manner as if they had made such Endorsement themselves, but inserting the Name of the Port at which such Endorsement was made: Provided always, that the Collector and Comptroller of such other Port shall first give Notice to the Collector and Comptroller of the Port to which such Ship or Vessel belongs of such Requisition made to them to endorse the Certificate of Registry, and the Collector and Comptroller of the Port to which such Ship or Vessel belongs shall thereupon send Information to the Collector and Comptroller of such other Port whether any and what other Bill or Bills of Sale have been recorded in the Book of the

Previous Notice to be given to Officers at the Port of Registry.

Registry of such Ship or Vessel; and the Collector and Comptroller of such other Port having such Information shall proceed in manner directed by this Act in all respects to the endorsing of the Certificate of Registry as they would do if such Port were the Port to which such Vessel belonged. *Transfers.*

If upon Registry de novo any Bill of Sale shall not have been recorded, it shall then be produced.

XLI. And be it enacted, That if it shall become necessary to register any Ship or Vessel *de novo*, and any Share or Shares of such Ship or Vessel shall have been sold since she was last registered, and the Transfer of such Share or Shares shall not have been recorded and endorsed in manner herein-before directed, the Bill of Sale thereof shall be produced to the Collector and Comptroller of Her Majesty's Customs, who are to make Registry of such Ship or Vessel, otherwise such Sale shall not be noticed in such Registry *de novo*, except as herein-after excepted: Provided always, that upon the future Production of such Bill of Sale, and of the existing Certificate of Registry, such Transfer shall and may be recorded and endorsed as well after such Registry *de novo* as before.

Upon Change of Property Registry de novo may be granted if desired, although not required by this Act.

XLII. And be it enacted, That if upon any Change of Property in any Ship or Vessel the Owner or Owners shall desire to have the same registered *de novo*, although not required by this Act, and the Owner or proper Number of Owners shall attend at the Custom House at the Port to which such Ship or Vessel belongs for that Purpose, it shall be lawful for the Collector and Comptroller of Her Majesty's Customs at such Port to make Registry *de novo* of such Ship or Vessel at the same Port, and to grant a Certificate thereof, the several Requisites herein-before in this Act mentioned and directed being first duly observed and complied with.

Copies of Declarations, &c., and of Extracts from Books of Registry, admitted in Evidence.

XLIII. And whereas great Inconvenience hath arisen from the Registering Officers being served with Subpœnas, requiring them to bring with them, and produce on Trials in Courts of Law relative to the Ownery of Vessels or otherwise, the Oaths or Declarations required to be taken by the Owners thereof prior to the registering thereof, and the Books of Registry or Copies or Extracts therefrom: And whereas it would tend much to the Despatch of Business if the Attendance of such Registering Officers with the same upon such Trials were dispensed with; be it therefore enacted, That the Collector and Comptroller of Her Majesty's Customs at any Port or Place, and the Person or Persons acting for them respectively, shall, upon every reasonable Request by any Person or Persons whomsoever, produce and exhibit for his, her, or their Inspection and Examination any Oath or Declaration sworn or made by any such Owner or Owners, Proprietor or Proprietors, and also any Register or Entry in any Book or Books of Registry required by this Act to be made or kept relative to any Ship or Vessel, and shall, upon every reasonable Request by any Person or Persons whomsoever, permit him, her, or them to take a Copy or Copies or an Extract or Extracts thereof respectively, and that the Copy and Copies of any such Oath or Declaration, Register or Entry, shall, upon being proved to be a true Copy or Copies thereof respectively, be allowed and received as Evidence upon every Trial at Law, without the Production of the Original or Originals, and without the Testimony or Attendance of any Collector

Transfers.

or Comptroller, or other Person or Persons acting for them respectively, in all Cases as fully and to all Intents and Purposes as such Original or Originals, if produced by any Collector or Collectors, Comptroller or Comptrollers, or other Person or Persons acting for them, could or might legally be admitted or received in Evidence.

If Vessels or Shares sold in the Absence of Owners, without formal Powers, Commissioners may permit Record of such Sales or Registry de novo, as the Case may require;

and also in other Cases where Bills of Sale cannot be produced;

XLIV. And be it enacted, That if the Ship or Vessel, or the Share or Shares of any Owner thereof who may be out of the Kingdom, shall be sold in his Absence by his known Agent or Correspondent under his Directions, either expressed or implied, and acting for his Interest in that Behalf, and such Agent or Correspondent who shall have executed a Bill of Sale to the Purchaser of the whole of such Ship or Vessel, or of any Share or Shares thereof, shall not have received a legal Power to execute the same, it shall be lawful for the Commissioners of Her Majesty's Customs, upon Application made to them, and Proof to their Satisfaction of the fair Dealings of the Parties, to permit such Transfer to be registered, if Registry *de novo* be necessary, or to be recorded and endorsed, as the Case may be, in manner directed by this Act, as if such legal Power had been produced; and also if it shall happen that any Bill of Sale cannot be produced, or if, by reason of Distance of Time or the Absence or Death of Parties concerned, it cannot be proved that a Bill of Sale for any Share or Shares in any Ship or Vessel had been executed, and Registry *de novo* of such Ship or Vessel shall have become necessary, it shall be lawful for the Commissioners of Her Majesty's Customs, upon Proof to their Satisfaction of the fair Dealings of the Parties, to permit such Ship or Vessel to be registered *de novo*, in like Manner as if a Bill of Sale for the Transfer of such Share or Shares had been produced: Provided always, that in any of the Cases herein mentioned good and sufficient Security shall be given to produce a legal Power or Bill of Sale within a reasonable Time, or to abide the future Claims of the absent Owner, his Heirs and Successors, as the Case may be, and, at the future Request of the Party whose Property has been so transferred without the Production of a Bill of Sale from him or from his lawful Attorney, such Bond shall be available for the Protection of his Interest, in addition to any Powers or Rights which he may have in Law or Equity against the Ship or Vessel, or against the Parties concerned, until he shall have received full Indemnity for any Loss or Injury sustained by him.

Security being given to produce legal Powers, or abide future Claims.

Transfer by way of Mortgage.

XLV. And be it enacted, That when any Transfer of any Ship or Vessel, or of any Share or Shares thereof, shall be made only as a Security for the Payment of a Debt or Debts, either by way of Mortgage or of Assignment to a Trustee or Trustees for the Purpose of selling the same for the Payment of any Debt or Debts, then and in every such Case the Collector and Comptroller of the Port where the Ship or Vessel is registered shall, in the Entry in the Book of Registry, and also in the Endorsement on the Certificate of Registry in manner herein-before directed, state and express that such Transfer was made only as a Security for the Payment of a Debt or Debts, or by way of Mortgage, or to that Effect; and the Person or Persons to whom such Transfer shall be made, or any other Person or Persons claiming under him or them as a Mortgagee or Mortgagees, or a Trustee or Trustees only, shall not by reason thereof be deemed to be the

Mortgagee not to be deemed an Owner.

Owner or Owners of such Ship or Vessel, Share or Shares thereof, nor shall the Person or Persons making such Transfer be deemed by reason thereof to have ceased to be an Owner or Owners of such Ship or Vessel, any more than if no such Transfer had been made, except so far as may be necessary for the Purpose of rendering the Ship or Vessel, Share or Shares, so transferred, available, by Sale or otherwise, for the Payment of the Debt or Debts for securing the Payment of which such Transfer shall have been made. *Transfers.*

Transfers of Ships for Security of Debts being registered, Rights of Mortgagee not affected by any Act of Bankruptcy of Mortgagor, &c.

XLVI. And be it enacted, That when any Transfer of any Ship or Vessel, or of any Share or Shares thereof, shall have been made as a Security for the Payment of any Debt or Debts, either by way of Mortgage or of Assignment as aforesaid, and such Transfer shall have been duly registered according to the Provisions of this Act, the Right or Interest of the Mortgagee or other Assignee as aforesaid shall not be in any Manner affected by any Act or Acts of Bankruptcy committed by such Mortgagor or Assignor, Mortgagors or Assignors, after the Time when such Mortgage or Assignment shall have been so registered as aforesaid, notwithstanding such Mortgagor or Assignor, Mortgagors or Assignors, at the Time he or they shall so become bankrupt as aforesaid, shall have in his, her, or their Possession, Order, and Disposition, and shall be the reputed Owner or Owners of the said Ship or Vessel, or the Share or Shares thereof so by him or them mortgaged or assigned as aforesaid, but such Mortgage or Assignment shall take place of and be preferred to any Right, Claim, or Interest which may belong to the Assignee or Assignees of such Bankrupt or Bankrupts in such Ship or Vessel, Share or Shares thereof, any Law or Statute to the contrary thereof notwithstanding.

Governors of Colonies, &c. may cause Proceedings in Suits to be stayed.

XLVII. And be it enacted, That it shall and may be lawful for any Governor, Lieutenant Governor, or Commander-in-Chief of any of Her Majesty's Colonies, Plantations, Islands, or Territories, and they are hereby respectively authorized and required, if any Suit, Information, Libel, or other Prosecution or Proceeding of any Nature or Kind whatever shall have been commenced or shall hereafter be commenced in any Court whatever in any of the said Colonies, Plantations, Islands, or Territories respectively touching the Force and Effect of any Register granted to any Ship or Vessel, upon a Representation made to any such Governor, Lieutenant Governor, or Commander-in-Chief, to cause all Proceedings thereon to be stayed, if he shall see just Cause so to do, until Her Majesty's Pleasure shall be known and certified to him by Her Majesty, by and with the Advice of Her Majesty's Privy Council; and such Governor, Lieutenant Governor, or Commander-in-Chief is hereby required to transmit to one of Her Majesty's Principal Secretaries of State, to be laid before Her Majesty in Council, an authenticated Copy of the Proceedings in every such Case, together with his Reasons for causing the same to be stayed, and such Documents (properly verified) as he may judge necessary, for the Information of Her Majesty.

Penalty for making false Declaration or falsifying any Document.

XLVIII. And be it enacted, That if any Person or Persons shall falsely make Declaration to any of the Matters herein-before required to be verified by Declaration, or if any Person or Persons shall counterfeit, erase, alter, or falsify any Certificate or other Instrument in Writing

Writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any Certificate or other Instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such Certificate or other Instrument in Writing, knowing it to be false, such Person or Persons shall for every such Offence forfeit the Sum of Five hundred Pounds.

Owners of British Vessels to give Notice to Collectors of Customs at the Port of Registry of the Loss, &c. of such Vessels.

XLIX. And be it enacted, That the Person or Persons registered as Owner or Owners of any *British* Ship or Vessel which shall have been lost or taken by the Enemy, or burnt or broken up, or otherwise prevented from returning to the Port to which such Ship or Vessel belongs, or which shall on any account have lost or forfeited the Privileges of a *British* Ship, shall, immediately upon obtaining Knowledge of any of the Circumstances aforesaid, give Notice in Writing of such Circumstances to the Collector or Comptroller of the Customs at the Port of Registry of such Ship or Vessel.

Or if Vessels absent from the Port of Registry for Three Years, to state the Cause.

L. And be it enacted, That in all Cases where any *British*-registered Ship or Vessel shall have been absent from the Port of Registry for the Space of Three Years, the Person or Persons registered as the Owner or Owners of such Ship or Vessel shall in like Manner give Notice in Writing to the Collector or Comptroller of the Customs at such Port, stating therein the Cause of such Absence, and that the said Vessel has not forfeited her Privileges as a *British* Ship.

Failing to give such Notices, &c., to forfeit *5l.*

LI. And be it enacted, That every such Owner or Owners failing to give such Notice in either of the Cases aforesaid, or making any untrue Statement in respect of any such Ship or Vessel, shall forfeit the Sum of Five Pounds.

How Penalties are to be recovered;

LII. And be it enacted, That all the Penalties and Forfeitures inflicted and incurred by this Act shall and may be sued for, prosecuted, recovered, and disposed of in such Manner, and by such Ways, Means, and Methods, as any Penalties or Forfeitures inflicted or which may be incurred for any Offences committed against any Law relating to the Customs may now legally be sued for, prosecuted, recovered, and disposed of; and that the Officer or Officers concerned in Seizures or Prosecutions under this Act shall be entitled to and receive the same Share of the Produce arising from such Seizures as in the Case of Seizures for unlawful Importation, and to such Share of the Produce arising from any pecuniary Fine or Penalty for any Offence against this Act as any Officer or Officers is or are now by any Law or Regulation entitled to upon Prosecutions for pecuniary Penalties.

and Officers Shares.

Alteration of Act.

LIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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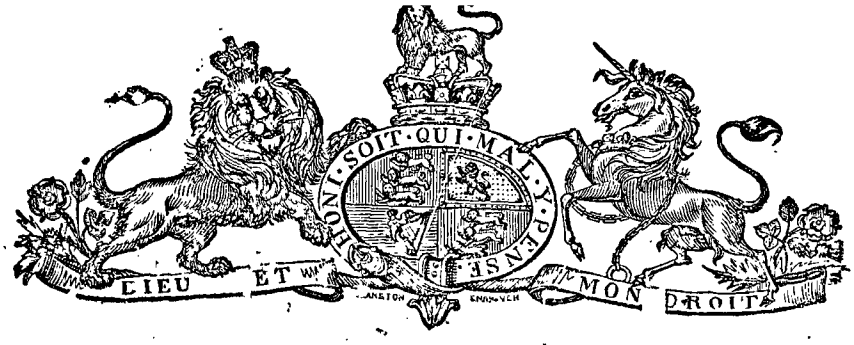

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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Duties and Drawbacks specified in the Tables annexed.

and there shall be allowed the several Drawbacks, as the same are respectively inserted, described, and set forth in Figures in the Tables marked (A.) and (B.) to this Act annexed, together with the additional Duties herein-after mentioned.

Duties on Corn, &c. to be raised, &c. in the same Manner as Duties mentioned in this Act.

III. And be it enacted, That the Duties imposed upon Corn, Grain, Meal, and Flour by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws for the Importation of Corn*, shall be raised, levied, collected, and paid in such and the same Manner in all respects as the several Duties of Customs mentioned in this Act are directed to be raised, levied, collected, and paid.

An additional Duty of 4*d.* per Gallon to be levied upon Spirits, and of Five per Cent. upon all other Articles.

IV. And be it enacted, That there shall be charged, raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, in addition to the Duties mentioned in the said Table marked (A.), upon every Gallon of Spirits or Strong Waters of all Sorts imported into the United Kingdom a further Duty of Four-pence, and upon all the Articles enumerated in the said Table marked (A.), except Spirits and Strong Waters, a further Duty of Five *per Centum* upon the Amount of the several Duties in and by the said Table marked (A.) respectively charged upon the said Articles, and each of them, except the following Articles; (that is to say,)

Isinglass;
Oils, chemical, essential, or perfumed;
Oils, essential, of Cloves;
Pickles preserved in Vinegar;
Pickles or Vegetables preserved in Salt;
Refined Camphor;
Smalts;
Turpentine;
Verdigris;
Yarn Cable;
Glass of all Sorts.

Goods having paid Duties imposed by former Acts to be entitled to Drawbacks.

V. And be it enacted, That the Amount of Drawbacks granted, allowed, and made payable upon Goods, Wares, and Merchandize exported from or used or consumed in *Great Britain* or *Ireland*, under or by virtue of any Act or Acts in force in *Great Britain* or *Ireland*, on or immediately before the passing of this Act, shall remain and continue payable with respect to such Goods, Wares, and Merchandize as, having paid the Duties imposed upon the Importation thereof by any such Act or Acts, shall, from and after the passing of this Act, be exported from or be so used or consumed in *Great Britain* or *Ireland* respectively.

Goods in Warehouse to be liable to the Duties imposed by this Act.

VI. And be it enacted and declared, That all Goods whatsoever which shall have been warehoused without Payment of Duty upon the first Importation thereof, and which shall be in the Warehouse at the Commencement of the Duties imposed by this Act, shall be deemed and taken to be liable to such Duties.

VII. And

VII. And be it enacted, That the Duties and Drawbacks by this Act imposed and allowed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, and recovered, and allowed and applied or appropriated, under the Provisions of an Act passed in the present Session of Parliament, intituled *An Act for the general Regulation of the Customs*.

Duties and Drawbacks to be under the Management of the Commissioners of Customs.

VIII. And be it enacted, That it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, by Her Order in Council, from Time to Time to order and direct that there shall be levied and collected any additional Duty, not exceeding One Fifth of the Amount of any existing Duty, upon all or any Goods, Wares, or Merchandize, the Growth, Produce, or Manufacture of any Country which shall levy higher or other Duties upon any Article the Growth, Produce, or Manufacture of any of Her Majesty's Dominions than upon the like Article the Growth, Produce, or Manufacture of any other Foreign Country, and in like Manner to impose such additional Duties upon all or any Goods when imported in the Ships of any Country which shall levy higher or other Duties upon any Goods when imported in *British* Ships than when imported in the national Ships of such Country, or which shall levy higher or other Tonnage or Port or other Duties upon *British* Ships than upon such national Ships, or which shall not place the Commerce or Navigation of this Kingdom upon the Footing of the most favoured Nation in the Ports of such Country, and either to prohibit the Importation of any manufactured Article the Produce of such Country in the event of the Export of the raw Material of which such Article is wholly or in part made being prohibited from such Country to the *British* Dominions, or to impose an additional Duty, not exceeding One Fifth as aforesaid, upon such manufactured Article, and also to impose such additional Duty in the event of such raw Material being subject to any Duty upon being exported from the said Country to any of Her Majesty's Dominions; and all Duties imposed by any such Order shall be deemed to be Duties imposed by this Act.

Additional Duties to be levied on Foreign Merchandize, &c.

IX. And whereas by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to carry into effect a Convention of Commerce concluded between His Majesty and the United States of* America, *and a Treaty with the Prince Regent of* Portugal, divers Provisions were made respecting the Duties payable and the Bounties and Allowances to be granted upon the Importation and Exportation of Goods, Wares, and Merchandize into or from the United Kingdom in Vessels of the United States and in *Portuguese* Vessels, and respecting the Repayment to certain Corporations, Bodies Politic and Corporate, and sundry other Persons, of the Amount of the Sums of Money of which they would be deprived by means of the said Act, and it was thereby enacted that the said Act should continue in force so long as the Convention therein recited between His said late Majesty and the United States of *America*, and the Treaty therein recited between His said late Majesty and His Royal Highness the Prince Regent of *Portugal*, and

59 G. 3. c. 54. to apply to all Foreign Powers as well as United States and Portugal, and to Duties on Goods as well as on Ships.

and so long as any Treaty to be made with any Foreign Power with the similar Provisions therein-before recited, should respectively continue in force: And whereas, subsequently to the Enactment of the said recited Act, Her Majesty and Her Royal Predecessors have made and concluded with divers Foreign Powers Treaties containing Provisions similar to those recited in the said recited Act, and Doubts have arisen whether, according to the true Construction thereof, the said Act doth apply and extend to the Trade and Shipping of such other Foreign Powers, and whether the same applies to differential Duties or Charges on Goods imported or exported in Foreign Ships as well as to differential Duties and Charges on Foreign Ships, and it is expedient that such Doubts be removed; be it therefore enacted and declared, That from and after the Ratification of any Treaty heretofore made by Her Majesty or any of Her Royal Predecessors subsequently to the Enactment of the said Act, or of any Treaty which may hereafter be made by Her Majesty, Her Heirs and Successors, with any such Foreign Power, in which Treaty has been or shall be contained Provisions similar to those recited in the said recited Act, all and every the Provisions, Clauses, Matters and Things in the said recited Act contained shall apply and extend to the Trade and Shipping of such Foreign Powers respectively as fully and effectually to all Intents and Purposes as to the Trade and Shipping of the said United States and of the said Kingdom of *Portugal*, and also shall apply and extend to differential Duties or Charges on Goods imported or exported in the Ships of such Foreign Powers as well as to differential Duties on the Ships of such Foreign Powers.

Recited Act not to be construed as granting Powers beyond subsisting Treaties.

X. Provided nevertheless, and be it enacted and declared, That the said recited Act doth not extend, and shall not be construed to extend, to grant to or to confer upon the Trade or Shipping of the said United States, or of the said Kingdom of *Portugal*, or of any other Foreign Power, or to the Subjects of such States or Kingdoms or of any such Foreign Power as aforesaid, any other or greater Advantage than such as shall have been stipulated for by and granted to the said United States, the said Kingdom of *Portugal*, or any such other Foreign Power by the respective Treaties subsisting and in force between them respectively and Her Majesty, Her Heirs and Successors, or Her Royal Predecessors, but that the said Act shall be so construed and applied as to give full and complete Effect to such respective Treaties so long as the same shall respectively remain in force, and is to provide such, and only such, Indemnity as therein mentioned to such Bodies Politic and Corporate, and other Persons as are therein mentioned, for such Losses as they shall respectively sustain by the Execution of such respective Treaties.

Her Majesty, with Advice of Privy Council, to declare the Powers with whom Treaties are subsisting.

XI. And for the Prevention of Uncertainty herein, be it enacted, That it shall and may be lawful for Her Majesty, Her Heirs and Successors, by any Order or Orders to be by Her or Them made with the Advice of Her or Their Privy Council, and published in the *London Gazette*, from Time to Time to declare what are the Foreign Powers with which any such Treaty or Treaties as aforesaid is or are subsisting, and this present Act and the said recited Act

shall apply and shall be deemed from the Time of the Ratification of any such Treaties to have been applicable to the Trade and Shipping of such Foreign Countries as shall be so mentioned in any such Order or Orders in Council as aforesaid, so long as any such Order or Orders shall continue unrevoked, and no longer.

Lords of Treasury may reduce Duties on Ships or Goods of Countries under Reciprocity.

XII. And be it enacted, That in any Case where any Treaty is in force between Her Majesty and any Foreign State, containing any Stipulations that no higher Duties or Charges shall be levied on the Vessels or Produce of such Foreign State, or upon Goods exported or imported in the Vessels of such Foreign State than on *British* Vessels or Produce, or upon the like Goods exported or imported in *British* Vessels, or any direct or indirect Stipulations to the like Effect, or for the like Objects, or any of them, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Two or more of them, from Time to Time to give Directions that all Duties or Charges imposed by any Act passed after the Tenth Day of *July* One thousand eight hundred and forty-two upon the Vessels of such Foreign State entering or leaving any Port of Her Majesty's Dominions, or upon Articles of the Growth, Produce, or Manufacture of the Dominions of such Foreign State, or upon any Articles imported into the United Kingdom in Vessels of such Foreign State, or upon any Articles (or any particular Classes of Articles) exported from the United Kingdom (or exported from the United Kingdom to any particular Place or Places), shall be reduced to the same Rates as are in the like Cases imposed upon *British* Vessels, or upon the like Articles of *British* Growth, Produce, or Manufacture, or upon the like Articles imported into or exported from the United Kingdom in *British* Vessels, or to give so much of the said Directions as the Case may require.

Manufactures of Gibraltar, &c. from Foreign Materials deemed Foreign.

XIII. And be it enacted, That all Manufactures of *Gibraltar*, *Malta*, and *Heligoland* made of Materials of Foreign Produce liable to Duty upon Importation into the United Kingdom, upon which no such Duty has been paid, or upon which Drawback of such Duty has been allowed in the United Kingdom, shall, for the Purposes of Duty, be deemed and taken to be the Produce of and imported from a Foreign Country.

Certain Produce of the State of Maine to be treated as the Produce of New Brunswick.

XIV. And whereas a Treaty has been concluded between Her Majesty and the United States of *America*, dated the Ninth Day of *August* in the Year One thousand eight hundred and forty-two, whereby it is stipulated that all the Produce of the Forest in Logs, Lumber, Timber, Timber Boards, Staves, or Shingles, or of Agriculture, not being manufactured, grown on any of those Parts of the State of *Maine* watered by the River *Saint John* or by its Tributaries, of which Fact reasonable Evidence shall, if required, be produced, shall have free Access into and through the said River and its Tributaries having their Source within the State of *Maine* to and from the Seaport at the Mouth of the River *Saint John*, and to and round the Falls of the said River, either by Boats, Rafts, or other Conveyance, and that when within the Province of *New Brunswick* the said Produce shall be dealt with as if it were the Produce of the

said Province: And whereas it is the Intention of the High Contracting Parties to the said Treaty that the aforesaid Produce should be dealt with as if it were the Produce of the Province of *New Brunswick*; be it therefore enacted, That the Produce in the said recited Treaty and herein-before described shall, so far as regards all Laws relating to Duties, Navigation, and Customs in force in the United Kingdom, or in any of Her Majesty's Dominions, be deemed and taken to be and be dealt with as the Produce of the Province of *New Brunswick*: Provided nevertheless, that in all Cases in which Declarations and Certificates of Production or Origin, and Certificates of Clearance, would be required in respect of such Produce if it were the Produce of *New Brunswick*, similar Declarations and Certificates shall be required in respect of such Produce, and shall state the same to be the Produce of those Parts of the State of *Maine* which are entered by the River *Saint John* or by its Tributaries.

Drawback on the Exportation of Foreign Rice or Paddy.

XV. And be it enacted, That upon the Exportation from the United Kingdom of any Foreign Rice or Paddy which shall have been cleaned therein, and which shall have paid the Duties payable on the Importation thereof, there shall be allowed and paid for every Hundred Weight thereof a Drawback equal in Amount to the Duty paid on every Four Bushels of the rough Rice or Paddy from which the same shall have been cleaned.

Conditions on which such Drawback is to be paid.

XVI. Provided always, and be it enacted, That such Drawback upon Rice so exported shall be paid and allowed only upon such clean Rice as shall be deposited for the Purpose of Exportation, within One Calendar Month from the Day on which the Duty thereon had been paid, in some Warehouse in which Rice may be warehoused on Importation without Payment of Duty, and shall there remain secured until duly shipped to be exported from such Warehouse: Provided also, that the Exporter of such Rice shall make Declaration before the Collector or Comptroller that the Rice so warehoused for Exportation was cleaned from the rough Rice or Paddy upon which the Duties had been so paid.

Warehousing of Goods.

XVII. And be it enacted, That it shall be lawful for the Importer of any Goods subject to any Duties of Customs to warehouse such Goods upon the first Entry thereof, under the Laws in force for the warehousing of Goods, without Payment of Duty upon such first Entry, and that all Goods which shall have been so warehoused before the Commencement of any such Duties, and shall remain so warehoused, after the Commencement of the same, shall become liable to such Duties in lieu of all former Duties.

Cape of Good Hope deemed to be within Limits of Charter; Mauritius as West Indies.

XVIII. And be it enacted, That for the Purposes of this Act the *Cape of Good Hope*, and the Territories and Dependencies thereof, shall be deemed to be within the Limits of the *East India* Company's Charter, and the Island of *Mauritius* shall be deemed to be one of Her Majesty's Sugar Colonies, and placed upon the same Footing in all respects as Her Majesty's Islands in the *West Indies*.

Produce of Limits of Charter im-

XIX. And be it enacted, That all Goods the Produce of Places within the Limits of the *East India* Company's Charter having been

imported

imported into *Malta* or *Gibraltar* from those Places in *British* Ships shall, upon subsequent Importation into the United Kingdom direct from *Malta* or *Gibraltar*, be liable to the same Duties as the like Goods would respectively be liable to if imported direct from some Place within the Limits of the said Charter.

ported from Malta or Gibraltar.

XX. And whereas by the Consolidation of the different Branches of the public Revenue, and of the several Duties payable on the Importation or Exportation of Goods, Wares, and Merchandize, and the Appropriation thereof, as directed by the several Acts in force in *England*, the hereditary and temporary Revenues of the Crown of Subsidies of Tonnage and Poundage, and of other Duties upon Goods, Wares, and Merchandize arising in *England*, are not now kept distinct and separate at the several Offices, but have become blended with other Duties of Customs and Tonnage both in the Collection and Appropriation thereof: And whereas it is expedient that Provision should be made for ascertaining the annual Amount of what such hereditary Revenues would have produced in case the same had not been so consolidated, and that an Account should hereafter be kept of such annual Amount; be it therefore enacted, That from and after the passing of this Act the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, shall cause to be prepared and kept an Account of what such hereditary Revenue arising in *England* would have amounted to in case the same had not been and was not consolidated and collected with other Duties of Customs and Tonnage in the Collection and Appropriation thereof, in such Manner and Form as shall appear to the said Commissioners of Her Majesty's Treasury for the Time being best adapted to ascertain such Amount, which Account the said Commissioners for the Time being are hereby required to make out, or cause to be made out, and laid before Parliament, together with the public Accounts directed to be laid before Parliament pursuant to the Provisions of the several Acts for directing public Accounts to be laid annually before Parliament.

An Account of the Amount of hereditary Revenues of the Crown to be kept separate.

XXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to affect or to alter the hereditary Revenue of Her Majesty, Her Heirs and Successors, in *Scotland*, or other Revenues there granted to His late Majesty King *George* the Second, during his Life, and reserved to Her present Majesty during Her Life, by an Act passed in the First Year of Her present Majesty's Reign, but the same, and the Civil Establishment payable out of the same, shall continue to be paid in like Manner as heretofore, any thing in this Act contained to the contrary notwithstanding.

Not to affect the hereditary Revenue in Scotland.

XXII. And be it enacted, That all the Monies arising by the Duties imposed by this Act (the necessary Charges of raising and accounting for the same excepted) shall from Time to Time be paid into the Receipt of Her Majesty's Exchequer in *Great Britain*, and shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, except only as by this Act is specially provided, and shall be appropriated in like

Duties to be paid into the Exchequer, and carried to the Consolidated Fund.

Manner

Manner and to the same Services as the Duties by this Act repealed would have been if this Act had not been passed.

Duties due before the passing of this Act, but levied after, to be deemed Duties under this Act, and appropriated as such.

XXIII. And be it enacted, That all Monies arising from any Duties of Customs, or any Arrears thereof, shall be raised, levied, collected, paid, or received from and after the passing of this Act, for or on account of any Goods, Wares, or Merchandize whatever imported or brought into the United Kingdom of *Great Britain* and *Ireland*, or exported from the said United Kingdom, although the Amount of the said Duties may have been computed and ascertained as such Duties have been computed and ascertained before the passing of this Act, and although the Goods, Wares, or Merchandize whereon any such Duties of Customs may have been charged or may be charged may have been imported into or exported from the United Kingdom before the passing of this Act, and although any Duties of Customs due and payable, or charged or chargeable thereon, may have been secured by Bond or otherwise on or before the passing of this Act; and all such Monies shall from and after the passing of this Act be appropriated and applied in like Manner and to the same Purposes, as the Duties of Customs by this Act granted are directed to be appropriated and applied, except as is in this Act provided, any Act or Acts of Parliament, Law, Usage, or Custom, to the contrary notwithstanding; and that all Monies arising by any of the Revenues of Customs hereafter to be paid or allowed, either upon Bond or otherwise, either by way of Drawback, Bounty, Certificate, Premium, or Allowance, or by any other legal Document whatever, from and after the passing of this Act, although the Amount of the same shall have been computed and ascertained in like Manner in which they have heretofore been usually computed and ascertained, or shall have become due before the passing of this Act, shall and may be paid or allowed in like Manner by the proper Officer or Officers of the Customs out of any Monies in their Hands arising from the Duties of Customs respectively.

Alteration of Act.

XXIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

TABLE (A.)

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.		Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
		£	s.	d.	£	s.	d.
Agates or Cornelians, not set		Free.			Free.		
—— set	for every 100*l.* Value	15	0	0	15	0	0
Ale and Beer, of all Sorts	the Barrel	2	0	0	2	0	0
Alganobilla Seed		Free.			Free.		
Alkali			—			—	
Alkanet Root			—			—	
Almonds, not Jordan, nor bitter	the Cwt.	0	10	0	0	10	0
—— Jordan	the Cwt.	1	5	0	1	5	0
—— bitter		Free.			Free.		
—— Paste of	for every 100*l.* Value	20	0	0	20	0	0
Aloes		Free.			Free.		
Alum			—			—	
—— Rock			—			—	
Amber, rough			—			—	
—— Manufactures of, not enumerated,	for every 100*l.* Value	15	0	0	15	0	0
Ambergris		Free.			Free.		
Amboyna Wood			—			—	
Anchovies	the lb.	0	0	2		—	
Angelica		Free.			Free.		
Animals (living), *viz.*							
—— Asses	each	0	2	6	0	1	3
—— Goats	each	0	1	0	0	0	6
—— Kids	each	0	1	0	0	0	6
—— Oxen and Bulls	each	1	0	0	0	10	0
—— Cows	each	0	15	0	0	7	6
—— Calves	each	0	10	0	0	5	0
—— Horses, Mares, Geldings, Colts, Foals	each	1	0	0	0	10	0
—— Mules	each	0	2	6	0	1	3
—— Sheep	each	0	3	0	0	1	6
—— Lambs	each	0	2	0	0	1	0
—— Swine and Hogs	each	0	5	0	0	2	6
—— Pigs (sucking)	each	0	2	0	0	1	0
Annatto Roll and Flag		Free.			Free.		

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.		Rates of Duty.	
		Of or from Foreign Countries.	Of and from British Possessions.
		£ s. d.	£ s. d.
Antimony, *viz.*			
—— Ore of		—	—
—— Crude		—	—
—— Regulus		—	—
Apples, raw	the Bushel	0 0 6	0 0 2
—— dried	the Bushel	0 2 0	0 2 0
Aquafortis	the Cwt.	0 5 0	0 5 0
Argol		Free.	Free.
Aristolochia		—	—
Arrowroot	the Cwt.	0 5 0	0 1 0
Arsenic		Free.	Free.
Ashes, *viz.*			
—— Pearl and Pot		—	—
—— Soap, Weed, and Wood		—	—
—— not enumerated		—	—
Asphaltum or Bitumen Judaicum		—	—
Bacon	the Cwt.	0 14 0	0 3 6
Balsams, unenumerated		Free.	Free.
Bandstring Twist, the Dozen Knots, each containing 32 Yards		0 5 0	0 2 6
Barilla		Free.	Free.
Bark		—	—
Bark, Extract of, or other Vegetable Substances to be used only for tanning Leather		—	—
Barley, Pearled	the Cwt.	0 5 0	0 2 6
Barwood		Free.	Free.
Basket Rods, peeled and unpeeled		—	—
Baskets	for every 100*l.* Value	10 0 0	10 0 0
Bast Ropes, Twines, and Strands	the Cwt.	0 5 0	0 2 6
Beads, *viz.*			
—— Arango	for every 100*l.* of the Value	15 0 0	15 0 0
—— Coral	for every 100*l.* of the Value	15 0 0	15 0 0
—— Crystal	the 1,000	0 5 0	0 5 0
—— Jet	for every 100*l.* of the Value	15 0 0	15 0 0
—— not otherwise enumerated or described,	for every 100*l.* of the Value	15 0 0	15 0 0
Beans, Kidney and French		Free.	Free.
Beef, salted (not being corned Beef)	the Cwt.	0 8 0	0 2 0
—— fresh, or slightly salted	the Cwt.	0 8 0	0 2 0
Beef Wood		Free.	Free.
Beer or Mum	the Barrel	2 0 0	2 0 0
—— Spruce	the Barrel	1 0 0	1 0 0
Berries, unenumerated		Free.	Free.
Birds, *viz.*, Singing Birds		—	—
Bitumen Judaicum		—	—
Blacking	the Cwt.	1 0 0	1 0 0
Black Wood		Free.	Free.
Bladders		—	—

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Bones of Cattle and other Animals, and of Fish (except Whale Fins), whether burnt or not, or as Animal Charcoal	—	—
Books, *viz.*		
being of Editions printed prior to the Year 1801, bound or unbound the Cwt.	1 0 0	1 0 0
being of Editions printed in or since the Year 1801, bound or unbound the Cwt.	5 0 0	5 0 0
being of Editions in the Foreign Living Languages, printed in or since the Year 1801, bound and unbound the Cwt.	2 10 0	2 10 0
Boracic Acid	Free.	Free.
Borax, refined	—	—
Borax or Tincal, unrefined	—	—
Bottles, of Earth and Stone, empty the Dozen	0 0 2	0 0 2
full	Free.	Free.
Flasks in which Olive Oil is imported	—	—
Boxes of all Sorts, excepting those made wholly or partly of Glass, on which the proper Glass Duty will be levied for every 100*l.* Value	10 0 0	5 0 0
Box Wood	Free.	Free.
Brass, Manufactures of for every 100*l.* Value	15 0 0	15 0 0
Powder of the lb.	0 0 6	0 0 6
Brazil Wood	Free.	Free.
Brazilleto Wood	—	—
Bricks or Clinkers (Dutch) the 1,000	0 10 0	0 5 0
other Sorts the 1,000	0 15 0	0 7 6
Brimstone	Free.	Free.
refined, in Rolls	—	—
in Flour	—	—
Bristles, rough, or in any way sorted	—	—
Brocade of Gold or Silver for every 100*l.* Value	20 0 0	20 0 0
Bronze, all Works of Art	Free.	Free.
other Manufactures of for every 100*l.* Value	15 0 0	15 0 0
Powder for every 100*l.* Value	15 0 0	15 0 0
Bullion and Foreign Coin, of Gold or Silver, and Ore of Gold or Silver, or of which the major Part in Value is Gold or Silver	Free.	Free.
Bull Rushes	—	—
Butter the Cwt.	1 0 0	0 5 0
Buttons (Metal) for every 100*l.* Value	15 0 0	15 0 0
Cables (not being Iron Cables), tarred or untarred, the Cwt.	0 6 0	0 3 0
not being Iron Cables, in actual Use of a British Ship, and being fit and necessary for such Ship, and not or until otherwise disposed of	Free.	Free.
if and when otherwise disposed of, for every 100*l.* Value	10 0 0	5 0 0

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Cables—*continued.*		
—— old, and taken from Foreign Ships, provided the same be rendered unserviceable by Reduction into Lengths not exceeding Three Fathoms, for every 100*l.* Value	10 0 0	
Camomile Flowers	Free.	Free.
Camphor, unrefined	—	—
—— refined the Cwt.	0 5 0	0 5 0
Camwood	Free.	Free.
Candles, *viz.*		
—— Spermaceti the lb.	0 0 6	0 0 6
—— Stearine the lb.	0 0 2½	0 0 2½
—— Tallow the Cwt.	0 10 0	0 10 0
—— Wax the lb.	0 0 4	0 0 4
Candlewick	Free.	Free.
Canella Alba	—	—
Canes, *viz.*		
—— Bamboo	—	—
—— Rattans, not ground	—	—
—— Reed Canes	—	—
—— Walking Canes or Sticks mounted, painted, or otherwise ornamented for every 100*l.* Value	20 0 0	20 0 0
Canes or Sticks, unenumerated	Free.	Free.
Cantharides the lb.	0 0 3	0 0 3
Caoutchouc	Free.	Free.
Capers, including the Pickle the lb.	0 0 6	0 0 3
Cardamons	Free.	Free.
Cards, *viz.*, Playing Cards the Dozen Packs	4 0 0	4 0 0
Carmine the oz.	0 0 6	0 0 6
Carriages of all Sorts for every 100*l.* Value	20 0 0	20 0 0
Casks (empty) for every 100*l.* Value	25 0 0	25 0 0
Cassava Powder the Cwt.	0 5 0	0 1 0
Cassia, *viz.*		
—— Buds	Free.	Free.
—— Fistula	—	—
—— Lignea the lb.	0 0 3	0 0 1
Castor	Free.	Free.
Casts of Busts, Statues, or Figures the Cwt.	0 2 6	0 2 6
Catlings the Gross, containing 12 Dozen Knots	0 3 0	0 3 0
Caviare the Cwt.	0 5 0	0 5 0
Cedar Wood	Free.	Free.
Chalk, *viz.*		
—— unmanufactured	—	—
—— prepared or manufactured, and not otherwise enumerated for every 100*l.* Value	10 0 0	5 0 0
Cheese the Cwt.	0 10 6	0 2 6
Cherries, raw for every 100*l.* Value	5 0 0	5 0 0
—— dried the lb.	0 0 6	0 0 6

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Chicory, or any other vegetable Matter applicable to the Uses of Chicory or Coffee, *viz.*		
—— roasted or ground - - - the lb.	0 0 6	0 0 6
—— raw or Kiln-dried - - - the Cwt.	1 0 0	1 0 0
China Root - - - - -	Free.	Free.
China or Porcelain Ware, plain - for every 100*l.* Value	15 0 0	15 0 0
—— painted, gilt, ornamented - for every 100*l.* Value	20 0 0	20 0 0
Chip or Willow for platting - - - -	Free.	Free.
Cider - - - - - the Tun	10 10 0	10 10 0
Cinnabaris Nativa - - - - -	Free.	Free.
Cinnamon - - - - - the lb.	0 0 6	0 0 3
Citrat of Lime - - - -	Free.	Free.
Citric Acid - - - - -	—	—
Citron, preserved with Salt - for every 100*l.* Value	10 0 0	10 0 0
Civet - - - - - -	Free.	Free.
Clocks - - - for every 100*l.* Value	20 0 0	20 0 0
—— or Watches of any Metal, impressed with any Mark or Stamp appearing to be, or to represent any legal British Assay Mark or Stamp, or purporting, by any Mark or Appearance, to be of the Manufacture of the United Kingdom -	Prohibited.	Prohibited.
Cloves - - - - - the lb.	0 0 6	0 0 6
Coals, Culm, or Cinders - - - -	Free.	Free.
Cobalt - - - - - -	—	—
—— Ore - - - - - -	—	—
Cochineal and Granilla - - - -	—	—
—— Dust - - - - -	—	—
Cocoa - - - - the lb.	0 0 2	0 0 1
—— Husks and Shell - - - the lb.	0 0 1	0 0 $0\frac{1}{2}$
—— Paste, or Chocolate - - - the lb.	0 0 6	0 0 2
Coculus Indicus - - - - the Cwt.	0 7 6	0 7 6
Coffee - - - - - the lb.	0 0 6	0 0 4
Coir Rope, Twine, and Strands - - the Cwt.	0 2 6	0 1 3
—— Rope and Junk, old and new, cut into Lengths not exceeding 3 Feet each - - -	Free.	Free.
Colocynth - - - - - -	—	—
Columba Root - - - - -	—	—
Comfits, dry - - - - the lb.	0 0 6	0 0 3
Confectionery - - - - the lb.	0 0 6	0 0 6
Copper, Ore of, *viz.*		
—— containing not more than 15 Parts of Copper in 100 Parts of Ore - per Ton of Metal	3 0 0	1 0 0
—— containing not more than 20 Parts of Copper in 100 Parts of Ore - per Ton of Metal	4 10 0	1 0 0
—— containing more than 20 Parts of Copper in 100 Parts of Ore - per Ton of Metal	6 0 0	1 0 0
—— old, fit only to be re-manufactured - the Cwt.	0 7 6	0 3 6
—— unwrought, *viz.*, in Bricks or Pigs, Rose Copper, and all cast Copper - - the Cwt.	0 8 9	0 4 0

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
Copper—*continued.*	£ s. d.	£ s. d.
——— in part wrought, *viz.*, Bars, Rods, or Ingots, hammered or raised - - the Cwt.	0 10 0	0 5 0
——— in Plates and Copper Coin - - the Cwt.	0 10 0	0 5 0
——— Manufactures of Copper, not otherwise enumerated or described, and Copper Plates engraved, for every 100*l.* Value	15 0 0	15 0 0
——— Copper or Brass Wire - for every 100*l.* Value	12 10 0	12 10 0
Copperas, Blue - - - - -	Free.	Free.
——— Green - - - -	—	—
——— White - - - -	—	—
Coral, *viz.*		
——— in Fragments - - - -	—	—
——— whole, polished - - - -	—	—
——— unpolished - - - - -	—	—
Cordage, tarred or untarred (standing or running Rigging in use excepted) - - the Cwt.	0 6 0	0 3 0
——— in actual Use of a British Ship, and being fit and necessary for such Ship, and not or until otherwise disposed of - - -	Free.	Free.
——— if and when otherwise disposed of, for every 100*l.* Value	5 0 0	2 10 0
Cork - - - - - -	Free.	Free.
Corks, ready made - - - - the lb.	0 0 8	0 0 8
——— squared for rounding - - the Cwt.	0 16 0	0 16 0
——— Fishermen's - - - the Cwt.	0 2 0	0 2 0
Cotton, Manufactures of - for every 100*l.* Value	10 0 0	5 0 0
——— Yarn - - - -	Free.	Free.
——— Articles or Manufactures of Cotton, wholly or in part made up, not otherwise charged with Duty, for every 100*l.* Value	20 0 0	10 0 0
Cranberries - - - - the Gallon	0 0 1	0 0 1
Crayons - - - for every 100*l.* Value	15 0 0	15 0 0
Cream of Tartar - - - - -	Free.	Free.
Crystal, *viz.*		
——— rough - - - - -	—	—
——— cut or manufactured, except Beads, for every 100*l.* Value	15 0 0	15 0 0
Cubebs - - - - -	Free.	Free.
Cucumbers, *viz.*, preserved - for every 100*l.* Value	10 0 0	5 0 0
Currants - - - - - the Cwt.	0 15 0	0 15 0
Cutch - - - - - -	Free.	Free.
Dates - - - - - the Cwt.	0 10 0	0 10 0
Diamonds - - - - -	Free.	Free.
Dice - - - - - the Pair	1 6 2	1 6 2
Divi Divi - - - - -	Free.	Free.
Down - - - - - -	—	—
Drugs, not enumerated - - -	—	—

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Earthenware, not otherwise enumerated or described, for every 100*l.* Value	10 0 0	10 0 0
Ebony	Free.	Free.
Eggs - the 120	0 0 10	0 0 2½
Embroidery and Needlework - for every 100*l.* Value	20 0 0	20 0 0
Enamel - the lb.	0 2 0	0 2 0
Essences not otherwise described, *viz.*		
Extract of Cardamoms - for every 100*l.* Value	20 0 0	20 0 0
——— Coculus Indicus - for every 100*l.* Value	20 0 0	20 0 0
——— Guinea Grains of Paradise, for every 100*l.* Value	20 0 0	20 0 0
——— Licorice - for every 100*l.* Value	20 0 0	20 0 0
——— Nux Vomica - for every 100*l.* Value	20 0 0	20 0 0
——— Opium - for every 100*l.* Value	20 0 0	20 0 0
——— Guinea Pepper - for every 100*l.* Value	20 0 0	20 0 0
——— Peruvian or Jesuit's Bark, for every 100*l.* Value	20 0 0	20 0 0
——— Quassia - for every 100*l.* Value	20 0 0	20 0 0
——— Radix Rhataniæ - for every 100*l.* Value	20 0 0	20 0 0
——— Vitriol - for every 100*l.* Value	20 0 0	20 0 0
Extract or Preparation of any Article, not being particularly enumerated or described, nor otherwise charged with Duty - for every 100*l.* Value	20 0 0	20 0 0
Or, and in lieu of the above Duty, at the Option of the Importer - the lb.	0 5 0	0 5 0
Essence of Spruce - for every 100*l.* Value	10 0 0	10 0 0
Feathers for Beds, in Beds or otherwise	Free.	Free.
——— Ostrich, dressed - the lb.	1 10 0	1 10 0
——— ——— undressed	Free.	Free.
——— not otherwise enumerated or described, *viz.*		
——— dressed - for every 100*l.* Value	10 0 0	10 0 0
——— undressed	Free.	Free.
——— Paddy Bird - the lb.	0 1 0	0 1 0
——— ——— undressed	Free.	Free.
Figs - the Cwt.	0 15 0	0 15 0
Fish, *viz.*		
—— Eels - the Ship's Lading	13 0 0	
—— Lobsters	Free.	
—— Turbots - the Cwt.	0 5 0	
—— of Foreign taking, imported from Foreign Places in other than Fishing Vessels, *viz.*		
—— Oysters - the Bushel	0 1 6	
—— Salmon - the Cwt.	0 10 0	
—— Soles - the Cwt.	0 5 0	
—— Turtle - the Cwt.	0 5 0	
—— Fresh, not otherwise enumerated - the Cwt.	0 1 0	
—— Cured, not otherwise enumerated - the Cwt.	0 2 0	
—— of British taking, fresh or cured	Free.	Free.

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Flasks in which Olive Oil is imported	Free.	Free.
Flax and Tow or Codilla of Hemp or Flax, whether dressed or undressed	—	—
Flocks	—	—
Flower Roots	—	—
Flowers, Artificial, not made of Silk, for every 100*l.* Value	25 0 0	25 0 0
Frames for Pictures, Prints, or Drawings, for every 100*l.* Value	10 0 0	10 0 0
Fruit, *viz.*, raw, and not otherwise enumerated, for every 100*l.* Value	5 0 0	5 0 0
Fustic	Free.	Free.
Gallic Powder	—	—
Galls	—	—
Gamboge	—	—
Garnets, cut, uncut, not set	—	—
Garancine	—	—
Gauze of Thread for every 100*l.* Value	15 0 0	7 10 0
Gelantine the Cwt.	0 10 0	0 10 0
Gentian	Free.	Free.
Ginger the Cwt.	0 10 0	0 5 0
—— preserved the lb.	0 0 6	0 0 1
Ginseng	Free.	Free.
Until the 10th Day of October 1846, the following Duties of Customs: —		
Glass, *viz.*		
—— any Kind of Window Glass, White or stained of One Colour only, not exceeding One Ninth of an Inch in Thickness, and Shades and Cylinders, the Cwt.	0 14 0	0 14 0
—— all Glass exceeding One Ninth of an Inch in Thickness, all silvered or polished Glass of whatever Thickness, however small each Pane, Plate, or Sheet, superficial Measure, *viz.*		
—— not exceeding more than Nine Square Feet, the Square Foot	0 1 0	0 1 0
—— containing more than Nine Square Feet, and not more than Fourteen Square Feet, the Square Foot	0 2 0	0 2 0
—— containing more than Fourteen Square Feet, and not more than Thirty-six Square Feet, the Square Foot	0 2 6	0 2 6
—— containing more than Thirty-six Square Feet, the Square Foot	0 3 0	0 3 0
—— painted or otherwise ornamented, the Superficial Foot	0 3 0	0 3 0

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
Glass—*continued.*	£ s. d.	£ s. d.
—— all White Flint Glass Bottles, not cut, engraved, or otherwise ornamented, and Beads and Bugles of Glass - - - - the lb.	0 0 2	0 0 2
—— Wine Glasses, Tumblers, and all other White Flint Glass Goods, not cut, engraved, or otherwise ornamented - - - the lb.	0 0 4	0 0 4
—— all Flint Cut Glass, Flint coloured Glass, and fancy ornamental Glass, of whatever Kind, the lb.	0 0 8	0 0 8
—— Bottles of Glass covered with Wicker (not being Flint or Cut Glass), or of Green or Common Glass - - - - the Cwt.	0 3 0	0 3 0
—— Manufactures, not otherwise enumerated or described, and old broken Glass, fit only to be remanufactured - - - the Cwt.	0 14 0	0 14 0
And from and after the 10th Day of October 1846, until the 5th Day of April 1848, there shall be charged on the said Article One Half of the said Duties; and from and after the 5th Day of April 1848, One Fourth of the said Duties.		
Glue - - - - - the Cwt.	0 3 0	0 3 0
—— Clippings or Waste of any Kind, fit only for Glue -	Free.	Free.
Gold, Leaves of - - - the 100	0 3 0	0 3 0
Grains, Guinea and Paradise - - the Cwt.	0 15 0	0 15 0
Grapes - - - - for every 100*l.* Value	5 0 0	5 0 0
Grease - - - - -	Free.	Free.
Greaves, for Dogs - - - - -	—	—
—— Tallow - - - - -	—	—
Guano - - - - -	—	—
Gum, unenumerated - - - -	—	—
Gunpowder - - - - the Cwt.	1 0 0	1 0 0
Gun Stocks in the rough, of Wood - - -	Free.	Free.
Gypsum - - - - -	—	—
Hair, *viz.*		
—— Camel's Hair or Wool - - - -	—	—
—— Cow, Ox, Bull, or Elk Hair - - -	—	—
—— Goat's Hair or Wool - - - -	—	—
—— Horse Hair - - - -	—	—
—— Human - - - - -	—	—
—— Unenumerated - - - -	—	—
—— Manufactures of Hair or Goat's Wool, or of Hair or Goat's Wool and any other Material, and Articles of such Manufacture wholly or in part made up, not particularly enumerated or otherwise charged with Duty - for every 100*l.* Value	15 0 0	7 10 0

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
	£	s.	d.	£	s.	d.
Hams of all Kinds - - - - the Cwt.	0	14	0	0	3	6
Harp Strings, or Lute Strings silvered, for every 100*l.* Value	20	0	0	20	0	0
Hats or Bonnets, *viz.*						
——— of Chip - - - the lb.	0	5	0	0	5	0
——— Bast, Cane, or Horse-hair Hats or Bonnets, each Hat or Bonnet not exceeding 22 Inches in Diameter - the Dozen	0	10	0	0	10	0
——— each Hat or Bonnet exceeding 22 Inches in Diameter - - the Dozen	0	15	0	0	15	0
——— Straw Hats or Bonnets - the lb.	0	8	6	0	8	6
Hats, Felt, Hair, Wool, or Beaver Hats - - each	0	2	6	0	2	6
—— made of Silk, Silk Shag laid upon Felt, Linen or other Material - - - - each	0	3	6	0	3	6
Hay - - - - the Load	0	16	0	0	8	0
Heath, for Brushes - - - - -	Free.			Free.		
Hellebore - - - - -	—			—		
Hemp, dressed - - - - -	—			—		
——— rough or undressed, or any other Vegetable Substance of the Nature and Quality of undressed Hemp, and applicable to the same Purpose -	—			—		
Hides, not tanned, tawed, curried, or in any way dressed, dry and wet - - - -	—			—		
——— tawed, curried, or in any way dressed, not being varnished, japanned, or enamelled - the lb.	0	0	4	0	0	2
——— if varnished, japanned, or enamelled - the lb.	0	0	6	0	0	3
——— Losh Hides - - - - -	Free.			Free.		
——— Muscovy or Russia Hides, or Pieces thereof, tanned, coloured, shaved, or otherwise dressed, the lb.	0	0	4	0	0	2
——— Hides or Pieces thereof, raw or undressed, unenumerated - - - -	Free.			Free.		
——— ——— tawed, curried, or in any way dressed, not otherwise enumerated, for every 100*l.* Value	10	0	0	5	0	0
——— Tails, Buffalo, Bull, Cow, or Ox - - -	Free.			Free.		
Hides tanned, not otherwise dressed - - -	—			—		
Hones - - - - -	—			—		
Honey - - - - - the Cwt.	0	10	0	0	5	0
Hoofs of Cattle - - - -	Free.			Free.		
Hoops of Wood - - - - -	—			—		
Hops - - - - - the Cwt.	4	10	0	4	10	0
Horns, Horn Tips, and Pieces of Horn - -	Free.			Free.		
Indigo - - - - -	—			—		
Ink, for Printers - - - the Cwt.	0	10	0	0	10	0
Inkle, unwrought - - - -	Free.			Free.		
——— wrought - - - - the lb.	0	1	0	0	0	6

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Iron, Ore of	Free.	Free.
—— Pig	—	—
—— Bars, unwrought	—	—
—— old broken and cast Iron	—	—
—— and Steel, wrought, not otherwise enumerated, for every 100*l.* Value	15 0 0	15 0 0
—— Bloom	Free.	Free.
—— Chromate of	—	—
—— slit or hammered into Rods	—	—
—— Cast	—	—
—— Hoops	—	—
Isinglass the Cwt.	0 5 0	0 5 0
Jalap	Free.	Free.
Japanned or Lacquered Ware for every 100*l.* Value	15 0 0	15 0 0
Jet	Free.	Free.
Jewels, Emeralds, and all other precious Stones, *viz.*		
——— unset	—	—
——— set for every 100*l.* Value	10 0 0	10 0 0
Juice of Lemons, Limes, or Oranges	Free.	Free.
Kingwood	—	—
Kernels of Walnuts and Kernels of Peach Stones, commonly used for expressing Oil therefrom	—	—
Lac, *viz.*, Stick Lac	—	—
Lace, *viz.*		
—— Thread for every 100*l.* Value	12 10 0	12 10 0
—— made by the Hand, commonly called Cushion or Pillow Lace, whether of Linen, Cotton, or Silken Thread for every 100*l.* Value	12 10 0	12 10 0
Lamp Black the Cwt.	1 0 0	1 0 0
Lapis Calaminaris	Free.	Free.
Lard	—	—
Latten	—	—
—— Shaven	—	—
——— Wire for every 100*l.* Value	12 10 0	12 10 0
Lavendar Flowers	Free.	Free.
Lead, Ore of	—	—
—— Black	—	—
—— Pig and Sheet the Ton	1 0 0	0 5 0
—— Red	Free.	Free.
—— White	—	—
—— Chromate of	—	—
—— Manufactures of, not otherwise enumerated, for every 100*l.* Value	15 0 0	15 0 0

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
	£	s.	d.	£	s.	d.
Leather Manufactures, *viz.*						
Boots, Shoes, and Calashes, *viz.*						
—— Women's Boots and Calashes - the Dozen Pairs	0	12	0	0	12	0
—— ——— if lined or trimmed with Fur or other Trimming - the Dozen Pairs	0	15	0	0	15	0
—— ——— Shoes with Cork or double Soles, quilted Shoes and Clogs - the Dozen Pairs	0	10	0	0	10	0
—— ——— if trimmed or lined with Fur or any other Trimming - the Dozen Pairs	0	12	0	0	12	0
—— Women's Shoes of Silk, Satin, Jean, or other Stuffs, Kid, Morocco, or other Leather, the Dozen Pairs	0	9	0	0	9	0
—— ——— if trimmed or lined with Fur or any other Trimming - the Dozen Pairs	0	10	0	0	10	0
—— Girls Boots, Shoes, and Calashes, not exceeding Seven Inches in Length, to be charged with Two Thirds of the above Duties.						
—— Men's Boots - - the Dozen Pairs	1	8	0	1	8	0
—— —— Shoes - - the Dozen Pairs	0	14	0	0	14	0
—— Boys Boots and Shoes, not exceeding Seven Inches in Length, to be charged with Two Thirds of the above Duties.						
—— Boot Fronts, not exceeding Nine Inches in Height, the Dozen Pairs	0	3	6	0	3	6
—— ——— exceeding Nine Inches in Height, the Dozen Pairs	0	5	6	0	5	6
—— Cut into Shapes, or any Article made of Leather, or any Manufacture whereof Leather is the most valuable Part, not otherwise enumerated or described - - for every 100*l.* Value	15	0	0	15	0	0
—— Gloves of Leather, *viz.*						
—— Habit Mitts - - - the Dozen Pairs	0	2	4	0	2	4
—— —— Gloves - - the Dozen Pairs	0	3	6	0	3	6
—— Men's Gloves - - the Dozen Pairs	0	3	6	0	3	6
—— Women's Gloves or Mitts - the Dozen Pairs	0	4	6	0	4	6
Leaves of Roses - - - -	Free.			Free.		
Leeches - - - - - -	—			—		
Lentils - - - - -	—			—		
Lignum Vitæ - - - -	—			—		
Linen, or Linen and Cotton, *viz.*						
—— Cambrics and Lawns, commonly called French Lawns, the Piece not exceeding Eight Yards in Length, and not exceeding Seven Eighths of a Yard in Breadth, and so in proportion for any greater or less Quantity.						
——— Plain - - - the Piece	0	5	0	0	5	0
——— Bordered Handkerchiefs - the Piece	0	5	0	0	5	0
—— Lawns of any Sort, not French, for every 100*l.* Value	15	0	0	15	0	0

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
Linen—*continued.*	£ s. d.	£ s. d.
—— Damasks - - the Square Yard	0 0 10	0 0 10
—— Damask Diaper - the Square Yard	0 0 5	0 0 5
—— Plain Linens and Diaper, not otherwise enumerated or described, and whether chequered or striped with Dye Yarn or not, for every 100*l.* Value	15 0 0	15 0 0
—— Sails - - - for every 100*l.* Value	15 0 0	15 0 0
—— in actual Use of a British Ship, and fit and necessary for such Ship, and not otherwise disposed of - - - -	Free.	Free.
—— Sails, if and when otherwise disposed of, for every 100*l.* Value	15 0 0	15 0 0
—— Manufactures of Linen, or of Linen mixed with Cotton or with Wool, not particularly enumerated or otherwise charged with Duty, for every 100*l.* Value	15 0 0	15 0 0
Liquorice Roots - - - - the Cwt.	1 0 0	0 10 0
—— Paste - - - - the Cwt.	1 0 0	0 10 0
—— Juice - - - - the Cwt.	1 7 6	0 10 0
—— Powder - - - - the Cwt.	1 15 0	0 15 0
Litharge - - - - -	Free.	Free.
Live Creatures illustrative of Natural History -	—	—
Logwood - - - - -	—	—
Maccaroni and Vermicelli - - - the lb.	0 0 1	0 0 1
Mace - - - - - - the lb.	0 2 6	0 2 6
Madder - - - - -	Free.	Free.
—— Root - - - - -	—	—
Magna Græcia Ware - - for every 100*l.* Value	5 0 0	5 0 0
Mahogany - - - - -	Free.	Free.
Manganese Ore - - - -	—	—
Manna - - - - - -	—	—
Manures not enumerated - - - -	—	—
Manuscripts - - - - - the lb.	0 0 2	0 0 2
Maps or Charts, or Parts thereof, plain or coloured - each	0 0 1	0 0 1
Maple Wood - - - - -	Free.	Free.
Marmalade - - - - - the lb.	0 0 6	0 0 1
Mats and Matting - - for every 100*l.* Value	5 0 0	2 10 0
Mattresses - - - for every 100*l.* Value	10 0 0	10 0 0
Mead - - - - - the Gallon	0 5 6	0 5 6
Meat, salted or fresh, not otherwise described - the Cwt.	0 8 0	0 2 0
Medals of Gold or Silver - - -	Free.	Free.
—— of any Sort - - for every 100*l.* Value	5 0 0	5 0 0
Medlars - - - - - the Bushel	0 1 0	0 0 6
Mercury, prepared - - for every 100*l.* Value	10 0 0	10 0 0
Metal, *viz.*		
—— Bell - - - - -	Free.	Free.
—— Leaf (except Leaf Gold), the Packet containing 250 Leaves	0 0 1	0 0 1

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Mill Boards - - - - the Cwt.	1 10 0	1 10 0
Minerals and Fossils, unenumerated - - -	Free.	Free.
Models of Cork or Wood - - - -	—	—
Morphia, and its Salts - - - the lb.	0 5 0	0 5 0
Moss, *viz.*		
—— Lichen Islandicus - - - -	Free.	Free.
—— Rock, for Dyers Use - - - -	—	—
—— other than Rock or Iceland Moss - -	—	—
Mother-o'-Pearl Shells - - - -	—	—
Musical Instruments - - for every 100*l.* Value	15 0 0	15 0 0
Musk - - - - -	Free.	Free.
Mustard Flour - - - - the Cwt.	0 12 0	0 12 0
Myrobolane Berries - - - -	Free.	Free.
Myrrh - - - - - -	—	—
Nicaragua Wood - - - - -	—	—
Nitre, *viz.*, Cubic Nitre - - -	—	—
Nickel, Ore of - - - - -	—	—
——— Metallic and Oxide of, refined - -	—	—
——— Arseniate of, in Lumps or Powder, being in an unrefined State - - - -	—	—
Nutmegs - - - - - the lb.	0 3 6	0 2 6
——— wild, in the Shell - - the lb.	0 0 3	0 0 3
Nuts, *viz.*		
—— Chesnuts - - - - -	Free.	Free.
—— Coco Nuts - - - - -	—	—
—— Pistachio Nuts - - - -	—	—
—— Small Nuts - - - the Bushel	0 2 0	0 2 0
—— Walnuts - - - - the Bushel	0 2 0	0 2 0
—— Nuts and Kernals unenumerated - -	Free.	Free.
—— Nuts and Kernals of Walnuts, of Peach Stones, and all Nuts and Kernals unenumerated, commonly used for expressing Oil therefrom - -	—	—
Nux Vomica - - - - the Cwt.	0 5 0	0 5 0
Oakum - - - - - -	Free.	Free.
Ochre - - - - - -	—	—
Oil of Almonds - - - - the lb.	0 0 2	0 0 2
— Bays - - - - - the lb.	0 0 2	0 0 2
— Animal - - - - -	Free.	Free.
— Castor - - - - -	—	—
— Chemical, Essential, or Perfumed - - the lb.	0 1 0	0 1 0
— of Cloves - - - - the lb.	0 3 0	0 3 0
— Lard - - - - - -	Free.	Free.
— Cocoa Nut - - - - -	—	—
— Linseed - - - - -	—	—
— Hempseed and Rapeseed - - -	—	—
— Olive - - - - - -	—	—

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
	£	s.	d.	£	s.	d.
Oil — *continued.*						
— Palm	—			—		
— Paran	—			—		
— Rock	—			—		
— Seed, unenumerated	—			—		
— Train, Blubber, and Spermaceti, Oil and Head Matter, the Produce of Fish or Creatures living in the Sea, caught by the Crews of British Vessels, and imported direct from the Fishery, or from any British Possession, in a British Vessel	—			—		
— Train and Blubber, the Produce of Fish or Creatures living in the Sea, of Foreign fishing - the Tun	6	0	0			
— Train Oil or Blubber of Foreign fishing, from and after 1st January 1847	Free.			—		
— Spermaceti of Foreign fishing - the Tun	15	0	0			
——— ——— from and after 1st January 1849	Free.			—		
— Walnut	—			—		
— or Spirit of Turpentine - the Cwt.	0	5	0	0	2	6
— not particularly enumerated or described, nor otherwise charged with Duty	Free.			Free.		
— Seed Cake	—			—		
Olibanum	—			—		
Olives - the Gallon	0	2	0	0	2	0
Olive Wood	Free.			Free.		
Onions - the Bushel	0	0	6	0	0	3
Opium - the lb.	0	1	0	0	1	0
Orange Flower Water - the lb.	0	0	1	0	0	1
Oranges and Lemons, *viz.*						
——— In Chests and Boxes not exceeding 5,000 Cubic Inches - the Box	0	2	6	0	2	6
——— over 5,000 Cubic Inches, and not exceeding 7,300 - the Box	0	3	9	0	3	9
——— over 7,300 Cubic Inches, and not exceeding 14,000 - the Box	0	7	6	0	7	6
——— for every 1,000 Cubic Inches exceeding 14,000	0	0	7½	0	0	7½
——— loose - the 1,000	0	15	0	0	15	0
——— entered at Value, at the Option of the Importer, for every 100*l.* Value	75	0	0	75	0	0
——— ——— Peel	Free.			Free.		
Orchal	—			—		
Ore, unenumerated	—			—		
Orpiment	—			—		
Orris Root	—			—		
Orsedew - the Cwt.	0	10	0	0	10	0
Painters' Colours, unenumerated.						
——— ——— unmanufactured	Free.			Free.		
——— ——— manufactured - for every 100*l.* Value	10	0	0	10	0	0

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED — *continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Palmetto Thatch	Free.	Free.
——— Manufactures of Ditto, for every 100*l.* Value	- -	5 0 0
Paper, *viz.*		
——— Brown, made of old Rope or Cordage only, without separating or extracting the Pitch or Tar therefrom, and without any Mixture of other Material therewith - - - the lb.	0 0 3	0 0 3
——— printed, painted, or stained Paper, or Paper Hangings, or Flock Paper - the Square Yard	0 1 0	0 1 0
——— Waste, unless printed on in the English Language, or Paper of any other Sort, not particularly enumerated or described, nor otherwise charged with Duty - - - the lb.	0 0 4½	0 0 4½
——— printed on in the English Language - -	Prohibited.	Prohibited.
Parchment - - - the Dozen Sheets	0 6 0	0 6 0
Pasteboards - - - - the Cwt.	1 10 0	1 10 0
Pearls - - - - -	Free.	Free.
Pears, raw - - - - the Bushel	0 0 6	0 0 3
——— dried - - - - the Bushel	0 2 0	0 2 0
Pencils - - - for every 100*l.* Value	15 0 0	15 0 0
——— of Slate - - for every 100*l.* Value	15 0 0	15 0 0
Pens - - - for every 100*l.* Value	15 0 0	15 0 0
Pepper of all Sorts - - - - the lb.	0 0 6	0 0 6
Percussion Caps - - - - the 1,000	0 0 4	0 0 4
Perfumery, not otherwise charged - for every 100*l.* Value	20 0 0	20 0 0
Perry - - - - - - the Tun	10 10 0	10 10 0
Pewter, Manufactures of - for every 100*l.* Value	15 0 0	15 0 0
Phosphorus - - - for every 100*l.* Value	10 0 0	10 0 0
Pickles preserved in Vinegar - - the Gallon	0 0 4	0 0 4
——— or Vegetables preserved in Salt, for every 100*l.* Value	5 0 0	5 0 0
Pictures - - - - - each	0 1 0	0 1 0
——— and further - - the Square Foot	0 1 0	0 1 0
——— above 200 Square Feet - - each	10 0 0	10 0 0
Pimento - - - - the Cwt.	0 5 0	0 5 0
Pink Root - - - - - -	Free.	Free.
Pitch - - - - - -	—	—
—— Burgundy - - - -	—	—
Plantains - - - - - the Cwt.	0 0 2	0 0 2
Plants, Shrubs, and Trees, alive - - -	Free.	Free.
Plaster of Paris - - - - -	—	—
Plate of Gold - - - for every 100*l.* Value	10 0 0 together with the Stamp Duty.	10 0 0 together with the Stamp Duty.
—— Silver gilt and ungilt - for every 100*l.* Value	10 0 0 together with the Stamp Duty.	10 0 0 together with the Stamp Duty.

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Plate, battered	Free.	Free.
—— Wire, gilt or plated — for every 100*l.* Value	12 10 0	12 10 0
—— —— Silver — for every 100*l.* Value	12 10 0	12 10 0
Platina, and Ore of	Free.	Free.
Platting, or other Manufactures to be used in, or proper for making Hats or Bonnets, *viz.*		
—— of Bast, Cane, or Horse Hair — the lb.	0 10 0	0 10 0
—— of Chip	Free.	Free.
Platting of Straw — the lb.	0 7 6	0 7 6
Plums, dried or preserved — the Cwt.	1 7 6	1 7 6
—— commonly called French Plums and Prunelloes, the Cwt.	1 0 0	1 0 0
—— preserved in Sugar — the lb.	0 0 6	0 0 6
Pomatum — for every 100*l.* Value	20 0 0	20 0 0
Pomegranates — the 1,000	0 5 0	0 5 0
—— Peel of	Free.	Free.
Pork, salted (not Hams) — the Cwt.	0 8 0	0 2 0
—— Fresh — the Cwt.	0 8 0	0 2 0
Potatoes — the Cwt.	0 0 2	0 0 1
Pots, *viz.*		
—— Melting, for Goldsmiths — the 100	0 3 2	0 3 2
—— of Stone — for every 100*l.* Value	20 0 0	20 0 0
Powders, *viz.*		
—— Hair — the Cwt.	1 0 0	1 0 0
—— Perfumed — the Cwt.	1 0 0	1 0 0
—— not otherwise enumerated or described, that will serve for the same Use as Starch — the Cwt.	0 10 0	0 10 0
Poultry, alive or dead — for every 100*l.* Value	5 0 0	2 10 0
Prints and Drawings, plain or coloured, single — each	0 0 1	0 0 1
—— —— bound or sewn — the Dozen	0 0 3	0 0 3
Prunes — the Cwt.	0 7 0	0 7 0
Prussiate of Potash	Free.	Free.
Puddings and Sausages — the lb.	0 0 3	0 0 1
Quassia — the Cwt.	0 10 0	0 10 0
Quicksilver	Free.	Free.
Quills, *viz.*		
—— Goose	—	—
—— Swan	—	—
Quinces — the 1,000	0 1 0	0 1 0
Quinine, Sulphate of — the oz.	0 0 6	0 0 6
Radix, *viz.*	Free.	Free.
—— Contrayervæ	—	—
—— Enulæ Campanæ	—	—
—— Eringii	—	—
—— Ipecacuanhæ	—	—

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
Radix—*continued.*	£ s. d.	£ s. d.
—— Rhataniæ	—	—
—— Senekæ	—	—
—— Serpentariæ, or Snake Root	—	—
Rags, *viz.*		
—— old Rags, old Junk or Ropes, or old Fishing Nets, fit only for making Paper or Pasteboard	—	—
—— Pulps of Rags	—	—
—— old Woollen	—	—
Raisins the Cwt.	0 15 0	0 7 6
Rape of Grapes	Free.	Free.
Red Wood or Guinea Wood	—	—
Rhubarb	—	—
Rice, *viz.*		
—— not rough nor in the Husk the Cwt.	0 6 0	0 0 6
—— rough and in the Husk the Quarter	0 7 0	0 0 1
Rosewood	Free.	Free.
Rosin	—	—
Saccharum Saturni the Cwt.	0 10 0	0 10 0
Safflower	Free.	Free.
Saffron	—	—
Sago the Cwt.	0 1 0	0 1 0
Sal, *viz.*		
—— Ammoniac	Free.	Free.
—— Limonum	—	—
—— Prunelle	—	—
Salep or Salop	—	—
Salt	—	—
Saltpetre	—	—
Sanguis Draconis	—	—
Santa Maria Wood	—	—
Sapan Wood	—	—
Sarsaparilla	—	—
Sassafras	—	—
Satin Wood	—	—
Saunders, Red, White, or Yellow	—	—
Sausages or Puddings the lb.	0 0 3	0 0 1
Scaleboards the Cwt.	1 10 0	1 10 0
Scammony	Free.	Free.
Seeds, *viz.*		
—— Acorns	—	—
—— Anniseed	—	—
—— Burnet	—	—
—— Canary the Bushel	0 4 0	0 2 0
—— Carraway the Cwt.	0 10 0	0 5 0
—— Carrot the Cwt.	0 10 0	0 5 0
—— Clover the Cwt.	0 10 0	0 5 0

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Seeds—*continued.*		
—— Colchicum	Free.	Free.
—— Cole	—	—
—— Coriander	—	—
—— Croton	—	—
—— Cummin	—	—
—— Fennugreek	—	—
—— Flax	—	—
—— Forest	—	—
—— Garden, unenumerated, nor otherwise charged with Duty	—	—
—— Grass, of all Sorts, not particularly enumerated, or otherwise charged with Duty - the Cwt.	0 5 0	0 2 6
—— Hemp	Free.	Free.
—— Leek - the Cwt.	1 0 0	0 10 0
—— Lettuce	Free.	Free.
—— Linseed	—	—
—— Lucerne - the Cwt.	0 5 0	0 5 0
—— Lupines	Free.	Free.
—— Maw	—	—
—— Millet	—	—
—— Mustard - the Bushel	0 1 3	0 0 6
—— Onion - the Cwt.	1 0 0	0 10 0
—— Parsley	Free.	Free.
—— Poppy	—	—
—— Quince	—	—
—— Rape	—	—
—— Sesamum	—	—
—— Shrub or Tree	—	—
—— Tares	—	—
—— Trefoil - the Cwt.	0 5 0	0 2 6
—— Worm	Free.	Free.
—— All Seeds unenumerated, commonly used for expressing Oil therefrom	—	—
—— All other Seeds not particularly enumerated or described, nor otherwise charged with Duty, for every 100*l.* Value	10 0 0	5 0 0
Senna	Free.	Free.
Ships to be broken up with their Tackle, Apparel, and Furniture (except Sails), *viz.*		
—— Foreign Ships or Vessels - for every 100*l.* Value	25 0 0	25 0 0
—— Foreign Ships broken up for every 100*l.* Value	10 0 0	10 0 0
—— British Ships or Vessels entitled to be registered as such, and not having been built in the United Kingdom	Free.	Free.
Shumac	—	—

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries. £ s. d.	Of and from British Possessions. £ s. d.
Silk, *viz.*		
—— Knubs or Husks of Silk, and Waste Silk - -	—	—
—— Raw Silk - - - - -	—	—
—— Thrown Silk, not dyed - - - -	—	—
—— —— dyed, *viz.*		
—— —— Singles or Tram - - the lb.	0 2 0	0 1 0
—— —— Organzine or Crape Silk - the lb.	0 2 0	0 1 0
—— Manufactures of Silk, or of Silk mixed with any other Material, the Produce of Europe, *viz.* Silk or Satin, plain - the lb.	0 11 0	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	25 0 0	
—— —— Silk, figured or brocaded - - the lb.	0 15 0	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30 0 0	
—— —— Gauze, plain - - - the lb.	0 17 0	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30 0 0	
—— —— Gauze, figured or brocaded - the lb.	1 7 6	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30 0 0	
—— —— Crape, plain - - - the lb.	0 16 0	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30 0 0	
—— —— Crape, figured - - - the lb.	0 18 0	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30 0 0	
—— —— Velvet, plain - - - the lb.	1 2 0	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30 0 0	
—— —— Velvet, figured - - - the lb.	1 7 6	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30 0 0	
—— —— Ribbons, embossed or figured with Velvet, the lb.	0 17 0	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30 0 0	
—— —— and further, if mixed with Gold, Silver, or other Metals, in addition to the above Rates, when the Duty is not charged according to the Value - - - - the lb.	0 10 0	
—— Fancy Silk Net, or Tricot - - - the lb.	1 4 0	
—— Plain Silk Lace or Net, called Tulle, the Square Yard	0 1 4	
—— Manufactures of Silk, or of Silk mixed with any other Material, not particularly enumerated or otherwise charged with Duty, for every 100*l.* Value	30 0 0	5 0 0

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
Silk — *continued.*	£ s. d.	£ s. d.
—— Millinery of Silk, or of which the greater Part of the Material is of Silk, *viz.*		
—— Turbans or Caps - - - - each	0 15 0	0 15 0
—— Hats or Bonnets - - - - each	1 5 0	1 5 0
—— Dresses - - - - - each	2 10 0	2 10 0
——— or, and at the Option of the Officers of the Customs - - for every 100*l.* Value	40 0 0	40 0 0
—— Manufactures of Silk, or of Silk and any other Material and Articles of the same, wholly or in part made up, not particularly enumerated or otherwise charged with Duty, for every 100*l.* Value	30 0 0	30 0 0
Silkworm Gut - - for every 100*l.* Value	20 0 0	20 0 0
Skins, Furs, Pelts, and Tails, or Pieces of Skins, raw or undressed, unenumerated - - - -	Free.	Free.
Skins, Furs, Pelts, and Tails, or Pieces of Skin, tanned, curried, dressed, unenumerated - - -	—	—
—— Articles manufactured of Skins or Furs, for every 100*l.* Value	20 0 0	10 0 0
Smalts - - - - - the Cwt.	0 10 0	0 10 0
Soap, Hard - - - - the Cwt.	1 10 0	1 0 0
—— Soft - - - - the Cwt.	1 0 0	0 15 0
—— Naples - - - - the Cwt.	2 16 0	2 16 0
Spa Ware - - - for every 100*l.* Value	15 0 0	15 0 0
Specimens of Minerals or Fossils, and all Specimens illustrative of Natural History - - -	Free.	Free.
Speckled Wood - - - -	—	—
Spelter or Zinc, *viz.*		
——— crude, in Cakes - - - -	—	—
——— rolled, but not otherwise manufactured -	—	—
——— Manufactures of - - for every 100*l.* Value	10 0 0	10 0 0
Spermaceti, fine - - for every 100*l.* Value	25 0 0	25 0 0
——— from and after 1st January 1849 - -	Free.	Free.
Spirits or strong Waters of all Sorts, *viz.*		
——— For every Gallon of such Spirits or strong Waters of any Strength not exceeding the Strength of Proof by Sykes's Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, *viz.*		
——— not being Spirits or strong Waters the Produce of any British Possession in America, or any British Possession within the Limits of the East India Company's Charter, and not being sweetened Spirits or Spirits mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer - - - - the Gallon	1 2 6	1 2 6

TABLE (A.) — GOODS, WARES, AND MERCHANDIZE IMPORTED — *continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Spirits — *continued.*		
——— Spirits or strong Waters, the Produce of any British Possession in America, not being sweetened Spirits, or Spirits so mixed as aforesaid, the Gallon	- - -	0 9 0
——— Rum, the Produce of any British Possession within the Limits of the East India Company's Charter, not being sweetened Spirits or Spirits so mixed as aforesaid, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled - - the Gallon	- - -	0 9 0
——— Rum Shrub, however sweetened, the Produce of and imported from such Possessions in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, or the Produce of and imported from any British Possession in America - - - the Gallon	- - -	0 9 0
——— Spirits or strong Waters, the Produce of any British Possession within the Limits of the East India Company's Charter, except Rum, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, not being sweetened Spirits or Spirits so mixed as aforesaid - - - the Gallon	- - -	0 15 0
——— Spirits, Cordials, or strong Waters, not being the Produce of any British Possession in America, nor any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, sweetened or mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by Sykes's Hydrometer, and perfumed Spirits to be used as Perfumery only - the Gallon	1 10 0	1 10 0
——— strong Waters, except Rum Shrub being the Produce of any British Possession in America, or of any British Possession qualified as aforesaid, sweetened or mixed with any Article as aforesaid - - - the Gallon	- - -	1 0 0
——— Cordials and Liqueurs, except Rum Shrub, being the Produce of any British Possession in America, or of any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, sweetened or mixed with any Article, so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer - - the Gallon	- - -	0 9 0

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Sponge	Free.	Free.
Squills, dried and not dried	—	—
Starch the Cwt.	0 10 0	0 5 0
Starch, Gum of, torrified or calcined, commonly called British Gum the Cwt.	0 15 0	0 15 0
Stavesacre	Free.	Free.
Steel, Manufactures of for every 100*l.* Value	15 0 0	15 0 0
—— unwrought	Free.	Free.
Scrap Steel	—	—
Stones, in Lumps not in any Manner hewn, Slate and Marble in rough Blocks or Slabs, Limestone, Flint Stones, Felspar, and Stones for Potters Use, Pebble Stones, Stone to be used for the Purpose of Lithography	Free.	Free.
——— in Blocks, shaped or rough scalped	—	—
——— Stone and Slate, hewn the Ton	0 10 0	0 1 0
——— Marble, sawn, in Slabs, or otherwise manufactured the Cwt.	0 3 0	0 1 6
Straw or Grass for platting	Free.	Free.
Succades, including all Fruits and Vegetables preserved in Sugar the lb.	0 0 6	0 0 1
Sulphur Impressions	Free.	Free.
——— vivum. *See* Brimstone.		
Sweet Wood	—	—
Talc	—	—
Tallow the Cwt.	0 3 2	0 0 3
Tamarinds the lb.	0 0 3	0 0 1
Tapioca the Cwt.	0 1 0	0 1 0
Tar	Free.	Free.
—— Barbadoes	—	—
Tarras	—	—
Tartaric Acid	—	—
Tea the lb.	0 2 1	0 2 1
Teasles	Free.	Free.
Teeth, *viz.*, Elephant, Sea Cow, Sea Horse, or Sea Morse	—	—
Telescopes for every 100*l.* Value	15 0 0	15 0 0
Terra Japonica	Free.	Free.
——— Sienna	—	—
——— Umbra	—	—
——— Verde	—	—
Thread, not otherwise enumerated or described, for every 100*l.* Value	10 0 0	5 0 0
Tiles for every 100*l.* Value	10 0 0	5 0 0
Tin, Ore and Regulus of	Free.	Free.
—— in Blocks, Ingots, Bars, or Slabs the Cwt.	0 6 0	0 3 0
—— Manufactures of, not otherwise enumerated, for every 100*l.* Value	15 0 0	15 0 0
—— Foil the lb.	0 0 6	0 0 6

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Tincal, unrefined	Free.	Free.
Tobacco, *viz.*		
——— unmanufactured - - - the lb.	0 3 0	0 3 0
——— Snuff - - - the lb.	0 6 0	0 6 0
——— manufactured, or Cigars - - the lb.	0 9 0	0 9 0
——— Stalks and Flour of - - -	Prohibited.	Prohibited.
——— manufactured in the United Kingdom, at or within Two Miles of any Port into which Tobacco may be imported, made into Shag, Roll, or Carrot Tobacco, Drawback upon Exportation or Shipment as Stores, the lb., 2*s.* 7½*d.*		
Tobacco Pipes of Clay - for every 100*l.* Value	15 0 0	15 0 0
Tongues - - - - the Cwt.	0 10 0	0 2 6
Tornsal - - - - - - -	Free.	Free.
Tortoiseshell or Turtleshell, unmanufactured - -	—	—
Toys, excepting Toy and Hand Mirrors, on which the Plate Glass Duty will be levied - for every 100*l.* Value	10 0 0	10 0 0
Truffles - - - - the lb.	0 1 0	0 1 0
Tulip Wood - - - - - -	Free.	Free.
Turmeric - - - - - -	—	—
Turnery, not otherwise described - for every 100*l.* Value	15 0 0	15 0 0
Turpentine, *viz.*		
——— not being of greater Value than 15*s.* per Cwt. - - - -	Free.	Free.
——— above 15*s.* Value per Cwt. - the Cwt.	0 2 0	0 2 0
——— of Venice, Scio, or Cyprus - -	Free.	Free.
Twine - - - - the Cwt.	0 10 0	0 5 0
Ultra Marine - - - - -	Free.	Free.
Valonia - - - - - -	—	—
Vanelloes - - - - the lb.	0 5 0	0 5 0
Varnish, not otherwise described - for every 100*l.* Value	15 0 0	15 0 0
Vases, Ancient, not of Stone or Wood - -	Free.	Free.
Vegetables, *viz.*, all Vegetables not enumerated or described - - - for every 100*l.* Value	5 0 0	2 10 0
Vellum - - - - the Skin	0 1 0	0 1 0
Verdegris - - - - the Cwt.	0 5 0	0 5 0
Verjuice - - - - the Tun	10 0 0	10 0 0
Vermilion - - - - - -	Free.	Free.
Vinegar - - - - the Tun	4 4 0	4 4 0
Wafers - - - - - the lb.	0 0 3	0 0 3
Washing Balls - - - - the lb.	0 0 6	0 0 6
Walnut Wood - - - -	Free.	Free.
Watches of Gold, Silver, or other Metal, for every 100*l.* Value	10 0 0	10 0 0

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Water, Cologne, the Flask (Thirty containing not more than One Gallon) - - -	0 1 0	0 1 0
—— Mineral Water - - - -	Free.	Free.
Wax, Bees Wax - - - -	—	—
—— in any Degree bleached - - -	—	—
—— Myrtle Wax - - - -	—	—
—— Sealing Wax - for every 100*l.* Value	15 0 0	15 0 0
—— Vegetable - - - - -	Free.	Free.
Weld - - - - - - -	—	—
Whales Fins, British taking, and imported direct from the Fishery, or from any British Possession, in a British Ship - -	—	—
—— otherwise taken - for every 100*l.* Value	20 0 0	20 0 0
—— Foreign taking, and not prohibited, from and after 1st January 1847 - -	Free.	Free.
Whipcord - - - - the lb.	0 0 6	0 0 6
Wine, *viz.*		
—— the Produce of the Cape of Good Hope or the Territories or Dependencies thereof, and imported directly from thence - the Gallon	- - -	0 2 9
—— French - - - the Gallon	0 5 6	
—— Canary - - - - the Gallon	0 5 6	
—— Madeira - - - - the Gallon	0 5 6	
—— Portugal - - - - the Gallon	0 5 6	
—— Rhenish - - - - the Gallon	0 5 6	
—— Spanish - - - - the Gallon	0 5 6	
—— other Sorts - - - the Gallon	0 5 6	
(The full Duties on Wine are drawn back upon Re-exportation or Shipment as Stores.)		
—— Lees, subject to the same Duty as Wine, but no Drawback is allowed on the Lees of Wine exported.		
Woad - - - - - - -	Free.	Free.
Wood.		
Timber and Woods not otherwise charged, *viz.*		
Timber or Woods, not being Deals, Battens, Boards, Staves, Handspikes, Oars, Lathwood, or other Timber or Wood, sawn, split, or otherwise dressed, except hewn, and not being Timber or Wood otherwise charged with Duty, the Load of 50 Cubic Feet	1 5 0	0 1 0
—— Deals, Battens, Boards, or other Timber or Wood, sawn or split, and not otherwise charged with Duty - - the Load of 50 Cubic Feet	1 12 0	0 2 0

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
Wood—*continued.*	£ s. d.	£ s. d.
Timber and Woods not otherwise charged, *viz.*		
Staves - - - the Load of 50 Cubic Feet	1 8 0	0 2 0
Staves not exceeding 72 Inches in Length, nor Seven Inches in Breadth, nor 3¼ Inches in Thickness -	Free.	Free.
Birch, hewn, not exceeding Three Feet in Length, nor exceeding Eight Inches square, imported for the sole Purpose of making Herring Barrels for the Use of the Fisheries - - - - - -	—	—
Firewood - - the Fathom of 216 Cubic Feet	0 10 0	Free.
Handspikes, not exceeding Seven Feet in Length, the 120	1 0 0	0 0 6
——— exceeding Seven Feet in Length the 120	2 0 0	0 1 0
Knees, under Five Inches square - - the 120	0 10 0	0 0 3
——— Five Inches, and under Eight Inches square the 120	2 0 0	0 1 0
Lathwood - - the Fathom of 216 Cubic Feet	2 0 0	0 1 0
Oars - - - - - - the 120	7 10 0	0 3 9
Spars or Poles, under 22 Feet in Length, and under 4 Inches in Diameter - - the 120	1 0 0	0 0 6
—— 22 Feet in Length and upwards, and under Four Inches in Diameter - - - - the 120	2 0 0	0 1 0
—— of all Lengths, Four Inches and under Six Inches in Diameter - - - - the 120	4 0 0	0 2 0
Spokes for Wheels, not exceeding Two Feet in Length, the 1,000	2 0 0	0 1 0
——— exceeding Two Feet in Length - the 1,000	4 0 0	0 2 0
Teake - - - - - - -	Free.	Free.
Wood for Shipbuilding, previously admitted at the same Duty as Teake - - - - - -	—	—
Wastewood, *viz.*, Billetwood or Brushwood, used for the Purposes of Stowage - for every 100*l.* Value	5 0 0	0 5 0
Wood planed, or otherwise dressed or prepared for Use, and not particularly enumerated, nor otherwise charged with Duty - - -	7½*d.* per Foot of Cubic Contents, and further for every 100*l.* Value 10*l.* 0 0	For every 100*l.* Value, 5 0 0
——— Maple, being Furniture Wood - - -	Free.	Free.
——— New Zealand Wood, being Furniture Wood -	Free.	Free.

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

Wood — *continued.*

Or, in lieu of the Duties imposed upon Wood by the Load according to the Cubic Content, the Importer may have the Option, at the Time of passing the First Entry, of entering Battens, Batten Ends, Boards, Deals, Deal Ends, and Plank, by Tale, if of or from Foreign Countries, according to the following Dimensions, *viz.*—

	Rates of Duty.		
	Not above 7 Inches in Width.	Not above 1¼ Inch in Thickness.	Above 1¼ Inch and not above 2¾ in Thickness.
Battens and Batten Ends:—	£ s. d.	£ s. d.	£ s. d.
Not above Six Feet in Length - the 120	- - -	1 10 10	3 1 7
Above Six and not above Nine Feet in Length - - - the 120	- - -	2 6 2	4 12 5
Above Nine and not above 12 Feet in Length - - - the 120	- - -	3 1 7	6 3 2
Above 12 and not above 15 Feet in Length, the 120	- - -	3 17 0	7 14 0
Above 15 and not above 18 Feet in Length, the 120	- - -	4 12 5	9 4 10
Above 18 and not above 21 Feet in Length, the 120	- - -	5 7 9	10 15 7
	Not above 9½ Inches in Width.	Not above 1½ Inch in Thickness.	Above 1½ Inch and not above 3¼ in Thickness.
Boards, Deals, Deal Ends, and Plank:—			
Not above Six Feet in Length - the 120	- - -	2 9 5	4 18 10
Above Six and not above Nine Feet in Length - - - the 120	- - -	3 14 1	7 8 3
Above Nine and not above 12 Feet in Length, the 120	- - -	4 18 10	9 17 8
Above 12 and not above 15 Feet in Length, the 120	- - -	6 3 6	12 7 1
Above 15 and not above 18 Feet in Length, the 120	- - -	7 8 3	14 16 6
Above 18 and not above 21 Feet in Length, the 120	- - -	8 12 11	17 5 11
Not above Six Feet in Length - the 120	Above 9½ Inches and not above 11½ in Width.	2 19 10	5 19 7
Above Six and not above Nine Feet in Length - - - the 120	- - -	4 9 8	8 19 5
Above Nine and not above 12 Feet in Length, the 120	- - -	5 19 7	11 19 2
Above 12 and not above 15 Feet in Length, the 120	- - -	7 9 6	14 19 0
Above 15 and not above 18 Feet in Length, the 120	- - -	8 19 5	17 18 9
Above 18 and not above 21 Feet in Length, the 120	- - -	10 9 4	20 18 7

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED—*continued.*

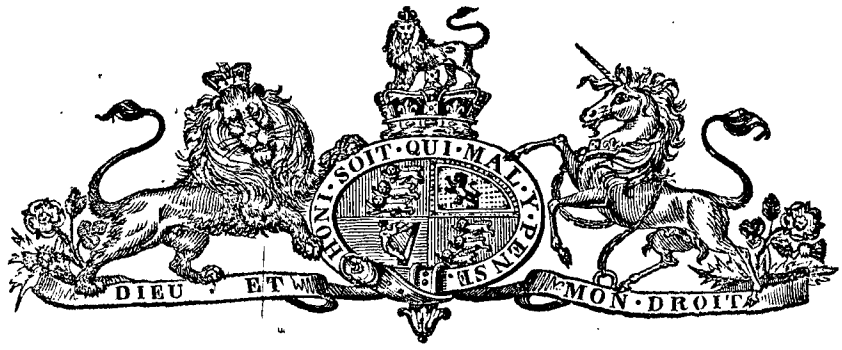
ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
Wool, *viz.*	£ s. d.	£ s. d.
—— Alpaca, and the Llama Tribe	Free.	Free.
—— Beaver	—	—
—— —— cut and combed	—	—
—— Coney	—	—
—— Cotton, or Waste of Cotton Wool	—	—
—— Goats, or Hair	—	—
—— Hares	—	—
—— Sheep or Lambs Wool	—	—
Woollens, *viz.*		
—— Manufactures of Wool, not being Goat's Wool, or of Wool mixed with Cotton, not particularly enumerated or described, not otherwise charged with Duty, for every 100*l.* Value	15 0 0	5 0 0
—— Articles or Manufactures of Wool, not being Goats Wool, or of Wool mixed with Cotton, wholly or in part made up, not otherwise charged with Duty - for every 100*l.* Value	20 0 0	10 0 0
Yarn, *viz.*		
—— Cable - the Cwt.	0 3 0	0 3 0
—— Camel or Mohair	Free.	Free.
—— Raw Linen	—	—
Worsted - the lb.	0 0 6	0 0 6
Zaffre	Free.	Free.
Zebra Wood	—	—
Goods, Wares, and Merchandize, being either in part or wholly manufactured, and not being enumerated or described, not otherwise charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland - for every 100*l.* Value	20 0 0	20 0 0
Goods unenumerated, not being either in part or wholly manufactured, not enumerated or prohibited	Free.	Free.

TABLE (B.)

DUTIES of CUSTOMS payable on GOODS the Produce of the United Kingdom exported to Foreign Countries.

	Rate of Duty. £ s. d.
Coals, Culm, or Cinders in a Foreign Ship - the Ton	0 4 0

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

CAP. XCI.

An Act for the warehousing of Goods.

[4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the warehousing of Goods*, whereby the Laws of Customs in relation to the warehousing of Goods were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Act and Parts of Acts should be consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Effect for the Purposes therein mentioned, except where any other Commencement is therein particularly directed. 3 & 4 W. 4. c. 57. Commencement of Act.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, by their Warrant from Time to Time, to appoint the Ports in the United Kingdom which shall be warehousing Ports. Treasury to appoint warehousing Ports.

Commissioners to appoint Warehouses, and require Bond.

Ports for the Purposes of this Act; and that it shall be lawful for the Commissioners of Her Majesty's Customs, subject to the Authority and Directions of the Commissioners of Her Majesty's Treasury, by their Order from Time to Time to appoint in what Warehouses or Places of special Security, or of ordinary Security, as the Case may require, in such Ports, and in what different Parts or Divisions of such Warehouses or Places, and in what Manner, any Goods, and what Sorts of Goods, may and may only be warehoused and kept and secured without Payment of any Duty upon the first Entry thereof, or for Exportation only, in Cases where the same may be prohibited to be imported for Home Use; and also in such Order to direct in what Cases (if any) Security by Bond, in manner herein-after provided, shall be required in respect of any Warehouse so appointed by them.

Warehouses of special Security to be so stated on their Appointment.

Warehouses connected with Wharfs, and within Walls, &c. to be Warehouses of special Security, without Appointment.

III. And be it enacted, That whenever any Warehouse shall have been approved of by the said Commissioners of Her Majesty's Customs as being a Warehouse of special Security, it shall be stated in their Order of Appointment that such Warehouse is appointed as a Warehouse for special Security: Provided always, that all Warehouses connected with the Wharfs for the landing of the Goods to be lodged therein, and inclosed together with such Wharfs within Walls such as are or shall be required by any Act for the constructing of such Warehouses and Wharfs, and being appointed to be legal Quays, shall, without any Order of the said Commissioners, be Warehouses for the Purposes of this Act for all Goods landed at such Wharfs or Quays at any Port appointed by the Commissioners of Her Majesty's Treasury to be a warehousing Port as aforesaid, and all such Warehouses shall be Warehouses of special Security.

Appointments made and Bonds given previous to Act to continue in force.

IV. And be it enacted, That all Appointments of Warehouses for the warehousing of Goods made under the Authority of any other Act in force at the Time of the Commencement of this Act, shall continue in force as if the same had been made under the Authority of this Act; and all Bonds given in respect of any Goods warehoused or entered to be warehoused under any Act in force at the Time of the Commencement of this Act, shall continue in force for the Purposes of this Act.

Commissioners to provide Warehouses for Tobacco, and Treasury to fix Rent.

V. And be it enacted, That the Commissioners of Her Majesty's Customs shall, out of the Monies arising from the Duties of Customs, provide from Time to Time the Warehouses for the warehousing of Tobacco at the Ports into which Tobacco may be legally imported: Provided always, that for every Hogshead, Chest, Case, or other Package of Tobacco so warehoused the Importer or Proprietor thereof shall pay as and for Warehouse Rent such Sum or Sums, not exceeding any Sum payable under any Act in force at the Time of the Commencement of this Act, and at such Periods and in such Manner, as the Commissioners of Her Majesty's Treasury shall from Time to Time by their Warrant appoint and direct, and all such Sums shall be paid, received, and appropriated as Duties of Customs.

VI. And

Power to revoke or alter Appointment.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury by their Warrant, and for the said Commissioners of Customs by their Order, from Time to Time to revoke any former Warrant or any former Order, or to make any Alteration in or Addition to any former Warrant or any former Order made as aforesaid by them respectively.

Publication of Appointment in Gazette.

VII. And be it enacted, That every Order made by the said Commissioners of Her Majesty's Customs in respect of Warehouses of special Security, as well those of original Appointment as those of Revocation, Alteration, or Addition, shall be published in the *London Gazette* for such as shall be appointed in *Great Britain*, and in the *Dublin Gazette* for such as shall be appointed in *Ireland*.

Warehouse Keeper may give general Bond, if willing;

VIII. And be it enacted, That before any Goods shall be entered to be warehoused in any Warehouse, in respect of which Security by Bond shall be required as aforesaid, the Proprietor or Occupier of such Warehouse, if he be willing, shall give general Security by Bond, with Two sufficient Sureties, for the Payment of the full Duties of Importation on all such Goods as shall at any Time be warehoused therein, or for the due Exportation thereof; and if such Proprietor or Occupier be not willing to give such general Security, the different Importers of the separate Quantities of Goods shall upon each Importation, before such Goods shall be entered to be warehoused, give such Security by Bond with One sufficient Surety, in respect of the particular Goods imported, the Penalty of such Bond being Double the Amount of the Duty to which such Goods are subject.

or Importer give particular Bond.

Sale of Goods in Warehouse by Proprietor to be valid, although they remain in such Warehouse.

IX. And be it enacted, That if any Goods lodged in any Warehouse shall be the Property of the Occupier of such Warehouse, and shall be *bonâ fide* sold by him, and upon such Sale there shall have been a written Agreement signed by the Parties, or a written Contract of Sale made, executed, and delivered by a Broker, or other Person legally authorized for or in behalf of the Parties respectively, and the Amount of the Price stipulated in the said Agreement or Contract shall have been actually paid or secured to be paid by the Purchaser, every such Sale shall be valid, although such Goods shall remain in such Warehouse; provided that a Transfer of such Goods, according to such Sale, shall have been entered in a Book to be kept for that Purpose by the Officer of the Customs having the Charge of such Warehouse, who is hereby required to keep such Book and to enter such Transfers, with the Dates thereof, upon Application of the Owners of the Goods, and to produce such Book upon Demand made.

Transfer of such Goods to be entered in a Book.

Stowage in Warehouse to afford easy Access.

X. And be it enacted, That all Goods warehoused shall be stowed in such Manner as that easy Access may be had to every Package and Parcel of the same, and if the Occupier of the Warehouse shall omit so to stow the same he shall for every such Omission forfeit the Sum of Five Pounds; and if any Goods shall be taken out of any Warehouse without due Entry of the same with the proper Officers of the Customs, the Occupier of the Warehouse shall be liable to the Payment of the Duties due thereon.

XI. And

Occupiers of Warehouses to produce, on demand, Goods to Officers of Customs, or to forfeit 5*l*.

XI. And be it enacted, That the Occupier or Occupiers of any Warehouse in which Goods are deposited under the Provisions of this Act shall, upon any Request being made by any Officer duly authorized by the Commissioners of Her Majesty's Customs, immediately produce to such Officer any Goods deposited therein, or received into his or their Custody, for the Delivery of which the said Occupier or Occupiers has or have not received an Order duly signed by the proper Warehouse Officer, and upon every Failure so to do such Occupier or Occupiers shall forfeit the Sum of Five Pounds, over and above the Duties to which every Package or Parcel of Goods not so produced may be liable.

Goods fraudulently concealed or removed forfeited. Penalty on opening the Warehouse without the Officer, 500*l*.

XII. And be it enacted, That if any Goods warehoused shall be fraudulently concealed in or removed from the Warehouse the same shall be forfeited; and if any Importer or Proprietor of any Goods warehoused, or any Person in his Employ, shall by any Contrivance fraudulently open the Warehouse, or gain Access to the Goods, except in the Presence of the proper Officer acting in the Execution of his Duty, such Importer or Proprietor shall forfeit and pay for every such Offence the Sum of Five hundred Pounds.

Persons assisting in the removing of Goods entered for the Warehouse, and not deposited there, subjected to Penalties.

XIII. And be it enacted, That if any Goods entered to be warehoused under any Law made for the warehousing of Goods shall be removed and not deposited in a Warehouse or Place of Security, in pursuance of such Entry, every Person who shall remove or assist or be otherwise concerned in the removing of any such Goods, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, any such Goods so removed, and every Person to whose Hands and Possession any Goods so removed shall knowingly come, shall forfeit either Treble the Value thereof, or the Penalty of One hundred Pounds, at the Election of the Commissioners of Her Majesty's Customs, and such Goods shall be forfeited.

Examination on Entry and Landing.

Marking Package.

XIV. And be it enacted, That within One Month after any Tobacco shall have been warehoused, and upon the Entry and Landing of any other Goods to be warehoused, the proper Officer of Customs shall take a particular Account of the same, and shall mark the Contents on each Package, and shall mark the Word "Prohibited" on such Packages as contain Goods prohibited to be imported for Home Use; and that all Goods shall be warehoused and kept in the Packages in which they shall have been imported, and no Alteration shall be made in the Packages or the packing of any Goods in the Warehouse, except in the Cases herein-after provided.

Goods to be carried to Warehouse under Authority of Officer of Customs.

XV. And be it enacted, That all Goods entered to be warehoused or to be re-warehoused shall be carried into the Warehouse under the Care or with the Authority or Permission of the proper Officer of Customs, and in such Manner and by such Persons, and by such Roads or Ways, and within such Spaces of Time, as the proper

Officer of Customs shall authorize, permit, or direct, and all such Goods not so carried shall be forfeited.

Goods to be cleared in Three Years; Ship's Stores in One Year; if not cleared to be sold.

XVI. And be it enacted, That all Goods which have been so warehoused shall be duly cleared either for Exportation or for Home Use within Three Years, and all surplus Stores of Ships within One Year from the Day of the first Entry thereof, unless further Time be given by the Commissioners of Her Majesty's Treasury; and if any such Goods be not so cleared, it shall be lawful for the Commissioners of Her Majesty's Customs to cause the same to be sold, and the Produce shall be applied to the Payment of the Warehouse Rent and other Charges, and the Overplus (if any) shall be paid to the Proprietor; and such Goods, when sold, shall be held subject to all the Conditions to which they were subject previous to such Sale, except that a further Time of Three Months from the Date of the Sale shall be allowed to the Purchaser for the clearing of such Goods from the Warehouse; and if the Goods so sold shall not be duly cleared from the Warehouse within such Three Months the same shall be forfeited.

Purchaser allowed Three Months.

In case of Accident in landing or shipping Goods, Duty may be remitted.

XVII. And be it enacted, That if any Goods entered to be warehoused, or entered to be delivered from the Warehouse, shall be lost or destroyed by any unavoidable Accident, either on Ship-board or in the landing or shipping of the same, or in the receiving into or delivering from the Warehouse, it shall be lawful for the Commissioners of Her Majesty's Customs to remit or return the Duties payable or paid on the Quantity of such Goods so lost or destroyed.

Duties on Goods lost or destroyed in Warehouse by Accident remitted; and on certain Goods warehoused to be charged on Quantity delivered.

XVIII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs to remit the Duties payable or paid on the whole or any Portion of any Goods which shall be lost or destroyed by any unavoidable Accident in the Warehouse in which the same shall have been deposited under the Provisions of this or any other Act passed for the warehousing of Goods; and that the Duties payable upon the following Articles deposited in Warehouses of special Security, that is to say, Wines, Currants, Raisins, Figs, Hams, and Cheese, when taken out of the Warehouse for Home Use, shall be charged upon the Quantities ascertained by the Measure or Weight of the same actually delivered.

Entry for Exportation or Home Use.

Goods permitted to be shipped from the Warehouse Duty free, as Ship's Stores.

XIX. And be it enacted, That no Goods which have been so warehoused shall be taken or delivered from the Warehouse, except upon due Entry, and under Care of the proper Officers for Exportation, or upon due Entry and Payment of the full Duties payable thereon for Home Use, if they be such Goods as may be used in the United Kingdom, save and except Goods delivered into the Charge of the Searchers to be shipped as Stores, and which shall and may be so shipped without Entry or Payment of any Duty for any Ship of the Burden of Sixty Tons at least, bound upon a Voyage to Foreign Parts, the probable Duration of which, out and home, will not be less than Forty Days: Provided always, that such Stores shall be duly borne upon the Ship's Victualling Bill, and shall be shipped in such Quantities and subject to such Directions

and Regulations as the Commissioners of Customs shall direct and appoint.

Rum for Stores and surplus Stores may be shipped without Entry, if borne on Victualling Bill;

XX. Provided always, and be it enacted, That any Rum of the *British* Plantations may be delivered into the Charge of the Searcher to be shipped as Stores for any Ship without Entry or Payment of any Duty, and any surplus Stores of any Ship may be delivered into the Charge of the Searcher to be re-shipped as Stores for the same Ship, or for the same Master in another Ship, without Entry or Payment of any Duty, such Rum and such surplus Stores being duly borne upon the Victualling Bills of such Ships respectively, and if the Ship, for the future Use of which any surplus Stores have been warehoused, shall have been broken up or sold, such Stores may be so delivered for the Use of any other Ship belonging to the same Owners, or may be entered for Payment of Duty, and delivered for the private Use of such Owners, or any of them, or of the Master or Purser of such Ship.

or entered for private Use.

Duties to be paid on original Quantities, except in certain Cases.

XXI. And be it enacted, That upon the Entry of any such Goods to be cleared from the Warehouse, if the same be for Home Use, the Person entering such Goods inwards shall deliver a Bill of the Entry and Duplicates thereof, in like Manner as directed by Law in the Case of Goods entered to be landed, as far as the same is applicable, and at the same Time shall pay down to the proper Officer of the Customs the full Duties of Customs payable thereon, and not being less in Amount than according to the Account of the Quantity first taken of the respective Packages or Parcels of the Goods in such Entry at the Examination thereof, at the Time of the first Entry and landing of the same, without any Abatement on account of any Deficiency, except by this Act is otherwise provided; and that if the Entry be for Exportation or for Removal to any other Warehouse, and any of the Packages or Parcels of the Goods be deficient of the respective Quantities of the same according to the Account first taken as aforesaid, a like Entry inwards shall also be passed in respect of the Quantities so deficient, and the full Duties shall be paid on the Amount thereof before such Packages or Parcels of Goods shall be delivered or taken for Exportation or Removal, except as by this Act is otherwise provided; and if any Goods so deficient in Quantity shall be such as are charged to pay Duty according to the Value thereof, such Value shall be estimated at the Price for which the like Sorts of Goods of the best Quality shall have been last or lately sold.

If for Exportation or Removal, Duties on Deficiencies to be paid.

How Value ascertained.

Duties on Tobacco, Sugar, and Spirits to be charged on Quantities delivered, except in certain Cases.

XXII. And be it enacted, That the Duties payable upon Tobacco, Sugar, and Spirits respectively, when taken out of Warehouse for Home Use, shall be charged upon the Quantities ascertained by the Weight, Measure, or Strength of the same actually delivered, save and except that if the Sugar shall not be in a Warehouse of special Security no greater Abatement on account of Deficiency of the Quantity, first ascertained as aforesaid, shall be made than shall be after the Rate of Three *per Centum* of such Quantity for the first Three Months, and One *per Centum* for every subsequent Month during which such Sugar shal have been warehoused; and also

save and except that if the Spirits (being any other Spirits than Rum of the *British* Plantations) shall not be in a Warehouse of special Security no greater Abatement on account of Deficiency of the Quantity or Strength first ascertained as aforesaid shall be made than shall be after the several Rates of Allowances following; (that is to say),

For every Hundred Gallons Hydrometer Proof:—

For any Time not exceeding Six Months, One Gallon:

For any Time exceeding Six Months, and not exceeding Eighteen Months, Three Gallons:

For any Time exceeding Eighteen Months, and not exceeding Two Years, Five Gallons:

For any Time exceeding Two Years, and not exceeding Two Years and a Half, Six Gallons:

For any Time exceeding Two Years and a Half, and not exceeding Three Years, Seven Gallons:

And for every additional Year, Two Gallons:

Provided always, that no Abatement shall be made in respect of any Deficiency in Quantity of any Spirits occasioned by Leakage and not by natural Evaporation, in whatever Warehouse the same may be, except as by this Act is otherwise specially provided. No Allowance for Leakage.

XXIII. And be it enacted, That in respect of any Wheat or Barley, or any Rye or any Oats, lodged in Warehouses without Payment of Duty on the first Importation thereof, the following Allowances for natural Waste shall be made upon the Exportation thereof, or upon the Entry thereof for Home Consumption; (that is to say,) Allowances for natural Deficiency on Corn or Grain in Warehouse.

In respect of all Wheat, Barley, and Rye, except as is herein-after provided, which has been in Warehouse One Month and less than Three Months, there shall be allowed One and a Half *per Centum*:

In respect of all Wheat, Barley, and Rye, except as herein-after provided, which has been in Warehouse Three Months and less than Six Months, there shall be allowed Two *per Centum*:

In respect of all Wheat, Barley, and Rye, except as is herein-after provided, which has been in Warehouse Six Months and less than Twelve Months, there shall be allowed Two and a Half *per Centum*:

And in respect of all Wheat, Barley, and Rye, except as is herein-after provided, which has been in Warehouse Twelve Months and upwards, there shall be allowed Three *per Centum*:

In respect of Oats, except as is herein-after provided, which have been in Warehouse One Month and less than Three Months, there shall be allowed Two and a Half *per Centum*:

In respect of Oats, except as is herein-after provided, which have been in Warehouse Three Months and less than Six Months, there shall be allowed Three and a Half *per Centum*:

In respect of Oats, except as is herein-after provided, which have been in Warehouse Six Months and less than Twelve Months, there shall be allowed Four and a Half *per Centum*:

And in respect of Oats, except as is herein-after provided, which have been in Warehouse Twelve Months and upwards, there shall be allowed Five *per Centum*:

Provided

Provided nevertheless, that only Half the above Allowances hereby directed to be made on Wheat and Barley and Oats respectively shall be made upon *Spanish* Wheat and Barley and Oats respectively, and upon Wheat and Barley Kiln-dried abroad respectively, and that no such Allowance shall be made in respect of Rye being Kiln-dried: Provided also, that no such Allowance shall be made unless there shall be an actual Deficiency in the Quantity of such Wheat, Rye, Barley, and Oats originally warehoused.

Importer may enter Goods for Home Use or for Exportation, although not actually warehoused.

XXIV. And be it enacted, That if after any Goods shall have been duly entered and landed to be warehoused, and before the same shall have been actually deposited in the Warehouse, the Importer shall further enter the same, or any Part thereof, for Home Use or for Exportation, as from the Warehouse, the Goods so entered shall be considered as virtually and constructively warehoused, although not actually deposited in the Warehouse, and shall and may be delivered and taken for Home Use or for Exportation, as the Case may be.

Goods may be removed to other Ports to be re-warehoused;

XXV. And whereas it is expedient to make Regulations for the Removal of warehoused Goods from one warehousing Port to another, and from one Warehouse to another in the same Port; be it therefore enacted, That any Goods which have been warehoused at some Port in the United Kingdom may be removed by Sea or inland Carriage to any other Port in the same in which the like Goods may be warehoused upon Importation, to be re-warehoused at such other Port, and again as often as may be required to any other such Port, to be there re-warehoused, subject to the Regulations hereinafter mentioned; that is to say, Twelve Hours Notice in Writing of the Intention to remove such Goods shall be given to the Warehouse Officer, specifying the particular Goods intended to be removed, and the Marks, Numbers, and Description of the Packages in which the same are contained, in what Ship imported, when and by whom entered Inwards to be warehoused, and if subsequently re-warehoused when and by whom re-warehoused, and to what Ports the same are to be removed; and thereupon the Warehouse Officer shall take a particular Account of such Goods, and shall mark the Contents on every Package in preparation for the delivering of the same for the Purposes of such Removal, and previous to the Delivery thereof may cause the proper Seals of Office to be affixed thereto: Provided always, that Tobacco, the Produce of the *British* Possessions in *America*, or of the United States of *America*, and purchased for the Use of Her Majesty's Navy, may be removed by the Purser of any Ship of War in actual Service to the Ports of *Rochester*, *Portsmouth*, or *Plymouth*, to be there re-warehoused, in the Name of such Purser, in such Warehouse as shall be approved for that Purpose by the Commissioners of Her Majesty's Customs.

and on Notice given, Officers to prepare them for Removal.

Tobacco for Use of Navy may be removed to certain Ports.

Entry of Goods for Removal.

XXVI. And be it enacted, That before such Goods shall be delivered to be removed due Entry of the same shall be made, and a proper Bill of such Entry, with Duplicates thereof, be delivered to the Collector or Comptroller, containing the before-mentioned Particulars, and an exact Account of the Quantities of the different Sorts

of

of Goods; and such Bill of Entry, signed by the Collector and Comptroller, shall be the Warrant for the Removal of such Goods; and an Account of such Goods, containing all such Particulars, shall be transmitted by the proper Officers of the Port of Removal to the proper Officers of the Port of Destination; and upon the Arrival of such Goods at the Port of Destination due Entry of the same to be re-warehoused shall in like Manner be made with the Collector and Comptroller at such Port, containing all the Particulars and Accounts before mentioned, together with the Name of the Port from which such Goods have been removed, and the Description and Situation of the Warehouse in which they are to be warehoused; and the Bill of such Entry, signed by such Collector and Comptroller, shall be the Warrant to the Landing Officer and the Warehouse Officer to admit such Goods, to be there re-warehoused, under such Examination as is made of the like Goods when first warehoused upon Importation from Parts beyond the Seas; and the Particulars to be contained in such Notice and in such Entries shall be written and arranged in such Form and Manner as the Collector and Comptroller shall require; and the Officers at the Port of Arrival shall transmit to the Officers at the Port of Removal an Account of the Goods so arrived, according as they shall upon Examination prove to be, and the Warehouse Officers at the Port of Removal shall notify such Arrival in their Books.

Account sent to other Ports.

Entry at Port of Arrival to re-warehouse.

Forms of Entries.

Examination of Officers.

Certificate of Arrival sent to Port of Removal.

XXVII. And be it enacted, That the Person removing such Goods shall at the Time of entering the same give Bond, with One sufficient Surety, for the due Arrival and re-warehousing of such Goods, within a reasonable Time, with reference to Distance between the respective Ports, to be fixed by the Commissioners of Her Majesty's Customs, which Bond may be taken by the Collector and Comptroller either of the Port of Removal or of the Port of Destination, as shall best suit the Residence or Convenience of the Persons interested in the Removal of such Goods; and if such Bond shall have been given at the Port of Destination, a Certificate thereof, under the Hands of the Collector and Comptroller of such Port, shall, at the Time of entering such Goods, be produced to the Collector or Comptroller of the Port of Removal.

Bond to re-warehouse, which may be given at either Port.

XXVIII. And be it enacted, That such Bond shall not be discharged unless such Goods shall have been duly re-warehoused at the Port of Destination within the Time allowed for such Removal, or shall have been otherwise accounted for to the Satisfaction of the said Commissioners, nor until the full Duties due upon any Deficiency of such Goods shall have been paid, nor until fresh Security shall have been given in respect of such Goods in manner herein-after provided, unless such Goods shall have been lodged in some Warehouse in respect of which general Security shall have been given by the Proprietor or Occupier thereof, or in some Warehouse in respect of which no Security is required.

Bond how to be discharged.

XXIX. And be it enacted, That such Goods when so re-warehoused may be entered and shipped for Exportation, or entered and delivered for Home Use, as the like Goods may be when first warehoused upon

Goods re-warehoused held on Terms of

first warehousing.

Importation, and the Time when such Goods shall be allowed to remain re-warehoused at such Port shall be reckoned from the Day when the same were first entered to be warehoused.

On Arrival, after Forms of re-warehousing, Parties may enter to Export, or take for Home Use, without first carrying to the Warehouse.

XXX. And be it enacted, That if upon the Arrival of such Goods at the Port of Destination the Parties shall be desirous forthwith to export the same, or to pay Duty thereon for Home Use, without actually lodging the same in the Warehouse for which they have been entered and examined to be re-warehoused, it shall be lawful for the Officers of the Customs at such Port, after all the Formalities of entering and examining such Goods for re-warehousing have been duly performed, except the actual Labour of carrying and lodging the same in the Warehouse, to consider the same as virtually or constructively re-warehoused, and to permit the same to be entered and shipped for Exportation, or to be entered and delivered for Home Use, upon Payment of the Duties due thereon, in like Manner as if such Goods had been actually so carried and lodged in such Warehouse; and the Account taken for the re-warehousing of such Goods may serve as the Account for delivering the same as if from the Warehouse either for Shipment or for Payment of Duties, as the Case may be; and all Goods so exported, or for which the Duties have been so paid, shall be deemed to have been duly cleared from the Warehouse.

Removal in the same Port.

XXXI. And be it enacted, That any Goods which have been warehoused in some Warehouse in the Port of *London* may, with the Permission of the Commissioners of Customs first obtained, be removed to any other Warehouse in the said Port in which the like Goods may be warehoused on Importation; and any Goods which have been warehoused in some Warehouse in any other Port may, with the Permission of the Collector and Comptroller of such Port first obtained, be removed to any other Warehouse in the same Port in which the like Goods may be warehoused on Importation, under such general Regulations as the Commissioners of Customs shall direct.

Goods and Parties subject to original Conditions.

XXXII. And be it enacted, That all Goods which shall have been removed from one Warehouse for or to another, whether in the same Port or in a different Port, and all Proprietors of such Goods, shall be held subject in all respects to all the Conditions to which they would have been held subject if such Goods had remained in the Warehouse where the same had been originally warehoused.

Goods sold, new Owner may give Bond, and release the original Bonder.

XXXIII. And be it enacted, That if any Goods shall have been warehoused in any Warehouse in respect of which general Security by Bond as herein-before provided shall not have been given by the Proprietor or Occupier of such Warehouse, and particular Security, as in such Case is required, shall have been given by the Importer of such Goods in respect of the same, and such Goods shall have been sold or disposed of, so that the original Bonder shall be no longer interested in or have Control over such Goods, it shall be lawful for the proper Officers to admit fresh Security to be given, by the Bond of the new Proprietor of such Goods or

Persons having the Control over the same, with his sufficient Surety, and to cancel the Bond given by the original Bonder of such Goods, or to exonerate him and his Surety to the Extent of the fresh Security so given.

Bond of Remover to be in force in new Warehouse until fresh Bond be given by new Owner.

XXXIV. And be it enacted, That if the Person removing any Goods from one Port to another, and who shall have given Bond in respect of such Removal and re-warehousing, shall be and shall continue to be interested in such Goods after the same shall have been duly re-warehoused, and such Goods shall have been so re-warehoused in some Warehouse in respect of which Security is required, and the Proprietor or Occupier of the same shall not have given general Security, the Bond in respect of such Removal and re-warehousing shall be conditioned and continue in force for the re-warehousing such Goods until fresh Bond be given by some new Proprietor or other Person in manner herein-before provided.

To sort, separate, and re-pack in same or equal Packages;

to bottle off Wine or Rum for Exportation;

to draw off Rum for Stores;

to mix Brandy with Wine;

to fill up or rack off Casks of Wine;

to take Samples.

XXXV. And be it enacted, That it shall be lawful in the Warehouse to sort, separate, pack and re-pack any Goods, and to make such lawful Alterations therein or Arrangements thereof as may be necessary either for the Preservation of such Goods, or in order to the Sale, Shipment, or legal Disposal of the same; provided that such Goods be re-packed in the same Packages in which the same Goods, or some Part of the whole Quantity of the same Parcel of Goods, were imported, or in Packages of entire Quantity equal thereto, or in such other Packages as the Commissioners of Her Majesty's Customs shall permit (not being less in any Case, if the Goods be to be exported or to be removed to another Warehouse, than may be required by Law for the Importation of such Goods); and also in the Warehouse to draw off any Wine or any Rum of the *British* Plantations into reputed Quart Bottles or reputed Pint Bottles, for the Purpose only of being exported from the Warehouse; and also in the Warehouse to draw off any such Rum into Casks, containing not less than Twenty Gallons each, for the Purpose only of being disposed of as Stores for Ships; and also in the Warehouse to draw off any other Spirits into reputed Quart Bottles, under such Regulations as the Commissioners of Customs shall from Time to Time direct, for the Purpose only of being exported from the Warehouse; and also in the Warehouse to draw off and mix with any Wine any Brandy, secured in the same Warehouse, not exceeding the Proportion of Ten Gallons of Brandy to One hundred Gallons of Wine; and also in the Warehouse to fill up any Casks of Wine or Spirits from any other Casks of the same, respectively secured in the same Warehouse; and also in any Warehouse of special Security to rack off any Wine from the Lees, and in such Warehouse to mix any Wines of the same Sort, erasing from the Cask all import Brands; and also in the Warehouse to take such moderate Samples of Goods as may be allowed by the Commissioners of Her Majesty's Customs, without Entry and without Payment of Duty, except as the same may eventually become payable as on a Deficiency of the original Quantity.

XXXVI. Pro-

No Alteration to be made in Goods or Packages, but according to Regulations.

XXXVI. Provided always, and be it enacted, That no Alteration shall be made in any such Goods or Packages, nor shall any such Wine, Rum, Brandy, or Spirits be bottled, drawn off, mixed, or filled up, nor shall any such Samples be taken, except after such Notices given by the respective Importers or Proprietors, and at such Times and in such Manner, and under such Regulations and Restrictions, as the Commissioners of Customs shall from Time to Time require and direct.

Re-packing in proper Packages.

XXXVII. And whereas it may happen that after the re-packing into proper Packages of any Parcel of Goods which have been unpacked and separated or drawn off from the original Package, in any of the Cases herein-before provided for, there may remain some surplus Quantities of the respective Parcels of such Goods which may not be sufficient to make or fill up any One of such proper Packages, or it may happen that some Part of such Goods when separated from other Parts may be such Refuse, or in so damaged a State, as to be worthless, or that the total Quantity of such Parcel of Goods may be reduced by the Separation of Dirt or Sediment, or by the Dispersion of Dust or otherwise: And whereas the Duties payable on such Goods may have been levied at a Rate having regard to a just Allowance for the State in which such Goods are imported, and it is not proper that any manufacturing Process should be performed in such Warehouse to the Detriment of the Revenue; be it therefore enacted, That after such Goods have been so re-packed in proper Packages, it shall be lawful for the Commissioners of Customs, at the Request of the Importer or Proprietor of such Goods, to cause or permit any such Refuse, Damage, or surplus Goods not contained in any of such Packages to be destroyed; and if the Goods be such as may be delivered for Home Use the Duties shall be immediately paid upon any Part of such Surplus as may remain, and the same shall be delivered for Home Use accordingly; and if they be such as may not be so delivered such Surplus as may so remain shall be disposed of for the Purpose of Exportation in such Manner as the Commissioners of Her Majesty's Customs shall direct; and thereupon the Quantity contained in each of such proper Packages shall be ascertained and marked upon the same; and the Deficiency shall be ascertained by a Comparison of the total Quantity in such proper Packages with the total Quantity first warehoused, and the Proportion which such Deficiency may bear to the Quantity in each Package shall also be marked on the same, and added to such Quantity, and the Total shall be deemed to be the imported Contents of such Package, and be held subject to the full Duties of Importation, except as otherwise in any Case provided by this Act: Provided always, that it shall be lawful for the said Commissioners to accept the Abandonment for the Duties of any Quantity of Tobacco or Coffee, or Pepper or Cocoa, or Lees of Wine, and also of any whole Packages of other Goods, and to cause or permit the same to be destroyed, and to deduct such Quantity of Tobacco or Coffee, or Pepper or Cocoa, or the Contents of such whole Packages, from the total Quantity of the same Importation in computing the Amount of the Deficiency of such total Quantity.

After re-packing damaged Parts may be destroyed.

Disposal of Surplus Quantity.

Quantities in new Packages to be marked, and Deficiency to be apportioned.

Abandonment of Goods for the Duty.

XXXVIII. And

XXXVIII. And be it enacted, That no Foreign Casks, Bottles, Corks, Packages, or Materials whatever, except any in which some Goods shall have been imported and warehoused, shall be used in the re-packing of any Goods in the Warehouse, unless the full Duties shall have been first paid thereon. No Foreign Casks, &c., to be used for re-packing unless Duties paid.

XXXIX. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs to permit any Goods to be taken out of Warehouse for any such Purpose as may appear to them to be expedient, under such Regulations and Restrictions as they may think fit to direct, without Payment of Duty of Customs, under Security, nevertheless, by Bond to the Satisfaction of the said Commissioners, that such Regulations and Restrictions shall be duly complied with, and that such Goods shall be returned to the Warehouse within such Time as they shall appoint. Goods may be delivered out of Warehouse for such Purposes as the Commissioners of Customs may direct.

XL. And be it enacted, That no Parcels of Goods so warehoused, which were imported in Bulk, shall be delivered, except in the whole Quantity of each Parcel, or in a Quantity not less than One Ton Weight, unless by special Leave of the proper Officers of Customs. Goods in Bulk delivered.

XLI. And be it enacted, That no Goods so warehoused shall be delivered unless the same, or the Packages containing the same, shall have been marked in such distinguishing Manner as the Commissioners of Her Majesty's Customs shall deem necessary and practicable, and shall from Time to Time direct. Packages to be marked before Delivery.

XLII. And be it enacted, That upon the Application to the Commissioners of Her Majesty's Customs of any Person actually carrying on the Business of a Sugar Refiner in the Ports of *London*, *Liverpool*, *Bristol*, *Hull*, *Greenock*, or *Glasgow*, or any other Port to be approved of by any Three of the Commissioners of Her Majesty's Treasury, it shall be lawful for the Commissioners of Her Majesty's Customs by their Order to approve of such Premises as Bonded Sugar Houses for the refining of Sugar for Exportation only, on it being made appear to the Satisfaction of the said Commissioners that the said Premises are fit in every respect for receiving such Sugars, and wherein the same may be safely deposited. Commissioners of Her Majesty's Customs may approve of Premises for refining Sugar for Exportation.

XLIII. And be it enacted, That on the Approval of any Premises as Bonded Sugar Houses as aforesaid it shall be lawful for the Officers of the Customs at the Ports respectively where such Premises are situated to deliver, without Payment of Duty, to the Party or Parties so applying as aforesaid, on Entry with the proper Officer of Customs, any Quantity of Foreign Sugar, or of Sugar the Produce of any *British* Possession, for the Purpose of being there refined under the Locks of the Crown for Exportation only; and that all Sugars so delivered shall be lodged and secured in such Premises, under such Conditions, Regulations, and Restrictions as the said Commissioners shall from Time to Time direct; provided always, that it shall be lawful for the said Commissioners, by their Order, to revoke or alter any former Order of Approval of any such Premises. On Approval thereof, Officers of Customs empowered to deliver Sugars Duty free, to be there refined for Exportation only. Order of Approval may be revoked.

Refiner to give Bond.

XLIV. And be it enacted, That upon the Entry of the Sugar to be refined in any Premises approved of under the Authority of this Act, the Refiner on whose Premises the same is to be refined shall give Bond to the Satisfaction of the Officers of the Customs, in the Penalty of Double the Amount of the Duty payable upon a like Quantity of Sugar of the *British* Plantations, with a Condition that the whole of such Sugar shall be actually subjected to the Process of Refinement upon the said Premises, and that within Four Months from the Date of such Bond the whole of the refined Sugar and Treacle produced by such Process shall be either duly exported from the said Premises or delivered into an approved Bonded Warehouse, under the Locks of the Crown, for the Purpose of being eventually exported to Foreign Parts.

Decrease and Increase may be ascertained and allowed, under Regulations of the Treasury.

XLV. And whereas some Sorts of Goods are liable in Time to Decrease, and some to Increase, and some to Fluctuation of Quantity, by the Effect of the Atmosphere and other natural Causes, and it may be necessary in some Cases that the Duties should not be charged upon the Deficiency arising from such Causes; be it therefore enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to make Regulations for ascertaining the Amount of such Decrease or Increase of the Quantity of any particular Sorts of Goods, and to direct in what Proportion any Abatement of Duty payable under this Act for Deficiencies shall be made on account of any such Decrease: Provided always, that if such Goods be lodged in Warehouses of special Security, or declared in the Order of Appointment to be of special Security, no Duty shall be charged for any Amount whatever of Deficiency of any of such Goods on the Exportation thereof, except in Cases where Suspicion shall arise that Part of such Goods has been clandestinely conveyed away, nor shall any such Goods (unless they be Wine or Spirits) be measured, counted, weighed, or gauged for Exportation, except in such Cases of Suspicion.

No Duty on Deficiency of Goods exported from Warehouses declared of special Security.

Allowances for natural Waste of Wine, Spirits, &c. in Warehouses not of special Security, on Exportation.

XLVI. Provided always, and be it enacted, That for any Wine, Spirits, Coffee, Cocoa Nuts, or Pepper, lodged in Warehouses not being or being declared to be of special Security, the following Allowances for natural Waste, in proportion to the Time during which any such Goods shall have remained in the Warehouse, shall be made upon the Exportation thereof, according as such Allowances are hereinafter respectively set forth; (that is to say,)

Wine, upon every Cask; (*videlicet*,)

For any Time not exceeding One Year, One Gallon:

For any Time exceeding One Year and not exceeding Two Years, Two Gallons:

For any Time exceeding Two Years, Three Gallons:

Spirits, upon every One Hundred Gallons Hydrometer Proof; (*videlicet*,)

For any Time not exceeding Six Months, One Gallon:

For any Time exceeding Six Months and not exceeding Twelve Months, Two Gallons:

For any Time exceeding Twelve Months and not exceeding Eighteen Months, Three Gallons:

For any Time exceeding Eighteen Months and not exceeding Two Years, Four Gallons:
For any Time exceeding Two Years, Five Gallons:
Coffee, Cocoa Nuts, Pepper, for every One hundred Pounds, and so in proportion for any less Quantity, Two Pounds.

In case of Embezzlement and Waste through Misconduct of Officers, Damages to be made good to the Proprietor.

XLVII. And be it enacted, That in case it shall at any Time happen that any Embezzlement, Waste, Spoil, or Destruction shall be made of or in any Goods or Merchandize which shall be warehoused in Warehouses under the Authority of this Act, by or through any wilful Misconduct of any Officer or Officers of Customs or Excise, such Officer or Officers shall be deemed guilty of a Misdemeanor, and shall upon Conviction suffer such Punishment as may be inflicted by Law in Cases of Misdemeanor; and if such Officer shall be so prosecuted to Conviction by the Importer, Consignee, or Proprietor of the Goods or Merchandize so embezzled, wasted, spoiled, or destroyed, then and in such Case no Duty of Customs or Excise shall be payable for or in respect of such Goods or Merchandize so embezzled, wasted, spoiled, or destroyed, and no Forfeiture or Seizure shall take place of any Goods and Merchandize so warehoused in respect of any Deficiency caused by such Embezzlement, Waste, Spoil, or Destruction, and the Damage occasioned by such Embezzlement, Waste, Spoil, or Destruction of such Goods or Merchandize, not being occasioned by Fire, shall be repaid and made good to such Importer, Consignee, or Proprietor, by the Commissioners of Customs or Excise, under such Orders, Regulations, and Directions as shall be for that Purpose made and given by the Commissioners of Her Majesty's Treasury, or any Three of them.

On Entry Outwards, Bond for due shipping and landing shall be given.

XLVIII. And whereas it is expedient to make Regulations for the exporting of such Goods to Parts beyond the Seas as have been imported into the United Kingdom from Parts beyond the Seas, and warehoused without Payment of any Duty on the Importation thereof, or notwithstanding that the same may be prohibited to be used in the United Kingdom; be it therefore enacted, That upon the Entry Outwards of any Goods to be exported from the Warehouse to Parts beyond the Seas, and before Cocket be granted, the Person in whose Name the same shall be entered shall give Security by Bond in Double the Amount of Duty payable by Law upon the Importation of such Goods, with One sufficient Surety, that such Goods shall be duly shipped and exported, and shall be landed at the Place for which they be entered Outwards, or otherwise accounted for to the Satisfaction of the Commissioners of Her Majesty's Customs.

Goods removed from Warehouse for Shipment under Care of Customs Officers.

XLIX. And be it enacted, That all Goods taken from the Warehouse for Removal or for Exportation shall be removed, or shall be carried to be shipped, under the Care or with the Authority or Permission of the proper Officer of Customs, and in such Manner, and by such Persons, and within such Spaces of Time, and by such Roads or Ways, as the proper Officer of Customs shall authorize, permit, or direct, and all such Goods not so removed or carried shall be forfeited.

L. And

Ships to be not less than Sixty Tons for exporting such Goods.

L. And be it enacted, That it shall not be lawful for any Person to export any Goods so warehoused, nor to enter for Exportation to Parts beyond the Seas any Goods so warehoused, in any Ship which shall not be of the Burden of Sixty Tons or upwards.

Goods landed in Docks liable to Claims for Freight as before landing.

LI. And be it enacted, That all Goods or Merchandize which shall be landed in Docks, and lodged in the Custody of the Proprietors of the said Docks under the Provisions of this Act, not being Goods seized as forfeited to Her Majesty, shall when so landed continue and be subject or liable to such and the same Claim for Freight in favour of the Master, Owner or Owners, of the respective Ships or Vessels, or of any other Person or Persons interested in the Freight of the same, from or out of which such Goods or Merchandize shall be so landed, as such Goods, Wares, or Merchandize respectively were subject and liable to whilst the same were on board such Ships or Vessels, and before the landing thereof; and the Directors and Proprietors of any such Docks at or in which any such Goods or Merchandize may be landed and lodged as aforesaid, or their Servants or Agents, or any of them, shall and may, and they are hereby authorized, empowered, and required, upon due Notice in that Behalf given to them by such Master or Masters, Owner or Owners, or other Persons as aforesaid, to detain and keep such Goods and Merchandize, not being seized as forfeited to Her Majesty, in the Warehouses belonging to the said Docks as aforesaid, until the respective Freights to which the same shall be subject and liable as aforesaid shall be duly paid or satisfied, together with the Rates and Charges to which the same shall have been subject and liable, or until a Deposit shall have been made by the Owner or Owners or Consignee or Consignees of such Goods or Merchandize, equal in Amount to the Claim or Demands made by the Master, Owner or Owners, of the respective Ships or Vessels or other Persons as aforesaid, for or on account of Freight upon such Goods or Merchandize, which Deposit the said Directors or Proprietors of such Docks, or their Agents respectively, are hereby authorized and directed to receive and hold in Trust, until the Claim or Demand for Freight upon such Goods shall have been satisfied, upon Proof of which, and Demand made by the Person or Persons, their Executors, Administrators, or Assigns, by whom the said Deposit shall have been made, and the Rates and Charges due upon the said Goods being first paid, the said Deposit shall be returned to him or them by the said Directors or Proprietors, or their Agents on their Behalf, with whom the said Deposit shall have been made as aforesaid.

Alteration of Act.

LII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

CAP. XCII.

An Act to grant certain Bounties and Allowances of Customs. [4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act to grant certain Bounties and Allowances of Customs*, whereby the Laws of Customs in relation to Bounties and Allowances of Customs were consolidated: And whereas, since the passing of the said Act, divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Act and Parts of Acts should be consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation, for all the Purposes mentioned therein, except where any other Commencement is herein particularly directed. 3 & 4 W. 4. c. 58. Commencement of Act.

II. And be it enacted, That so long as the Duties due and payable upon the Importation of Sugar shall be continued there shall be allowed upon the Exportation of Refined Sugar made in the United Kingdom Bounties allowed upon the Exportation of Refined Sugar.

Kingdom the several Bounties set forth in the Table herein-after contained; (that is to say,)

	£	s.	d.
Upon Double Refined Sugar, or Sugar equal in Quality to Double Refined, for every Hundred Weight - -	1	0	0
Upon other Refined Sugar, in Loaf, complete and whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or such Sugar pounded, crashed, or broken, and Sugar Candy, for every Hundred Weight - - - - - -	0	17	0
Upon Bastard or Refined Sugar broken in Pieces, or being ground or powdered Sugar, or such Sugar pounded, crashed, or broken, for every Hundred Weight - - - - - - -	0	14	0

Bond to be given for the due Exportation.

III. And be it enacted, That the Exporter of any Goods in respect of which any Bounty is claimed under this Act, or the Person in whose Name the same are entered outwards, shall at the Time of Entry, and before Cocket be granted, give Security by Bond in double the Amount of such Bounty, with One sufficient Surety, that the same shall be duly exported to the Place for which they are entered, or be otherwise accounted for to the Satisfaction of the Commissioners of Her Majesty's Customs, and shall not be re-landed in the United Kingdom, or landed in the *Isle of Man* unless expressly entered to be carried thereto.

Candy in Packages of Half Hundred Weight.

IV. And be it enacted, That no Bounty shall be given upon the Exportation of any Refined Sugar called Candy unless it be properly refined and manufactured, and free from Dirt and Scum, and packed in Packages each of which shall contain Half a Hundred Weight of such Candy at the least.

Sugar crashed for Exportation.

V. And be it enacted, That if any Sugar in Lumps or Loaves is to be pounded, crashed, or broken before the same be exported for the Bounty payable thereon, such Lumps or Loaves shall, after due Entry thereof, be lodged in some Warehouse provided by the Exporter, and approved by the Commissioners of Her Majesty's Customs for such Purpose, to be then first examined by the Officers of Customs while in such Lumps or Loaves as if for immediate Shipment, and afterwards to be there pounded, crashed, or broken, and packed for Exportation in the Presence of such Officers and at the Expence of the Exporter; and such Sugar shall be kept in such Warehouse, and be removed from thence for Shipment, and be shipped under the Care and in the Charge of the Searchers, in order that the Shipment and Exportation thereof may be duly certified by them upon the Debenture, according to the Quality ascertained by them of the same while in such Lumps or Loaves.

Different Sorts of crashed Sugar to be kept separate.

VI. And be it enacted, That the different Sorts of such Sugar shall be kept apart from each other, in such Manner and in such distinct Rooms or Divisions of such Warehouse as shall be directed and appointed by the Commissioners of Her Majesty's Customs; and if

any Sort of such Sugar shall be found in any Part of such Warehouse appointed for the keeping of Sugar of a Sort superior in Quality thereto the same shall be forfeited; and if any Sort of such Sugar shall be brought to such Warehouse to be pounded, crashed, or broken, which shall be of a Quality inferior to the Sort of Sugar expressed in the Entry for the same, such Sugar shall be forfeited.

Sample Loaves to be be provided.

VII. And be it enacted, That there shall be provided by and at the Expence of the Committee of Sugar Refiners in *London*, and in like Manner by and at the Expence of the Committee of Merchants in *Dublin*, as many Loaves of Double Refined Sugar prepared in Manner herein-after directed, and as many Loaves or Lumps of Sugar made upon the Patent Principle, and equal in Quality to Double Refined Sugar, as the Commissioners of Her Majesty's Customs shall think necessary; which Loaves or Lumps, when approved of by the said Commissioners, shall be deemed and taken to be Standard Samples; one of which Loaves or Lumps shall be lodged with the said Committees respectively, and one other with such Person or Persons as the said Commissioners shall direct, for the Purpose of comparing therewith Double Refined Sugar, or Sugar equal in Quality to Double Refined Sugar, entered for Exportation for the Bounty; and fresh Standard Samples shall in like Manner be again furnished by such Committees respectively, and in like Manner lodged, whenever it may be deemed expedient by the said Commissioners: Provided always, that no Loaf of Sugar shall be deemed to be a proper Sample Loaf of Double Refined Sugar as aforesaid, if it be of greater Weight than Fourteen Pounds, nor unless it be a Loaf complete and whole, nor unless the same shall have been made by a distinct Second Process of Refinement from a Quantity of Single Refined Sugar, every Part of which had first been perfectly clarified and duly refined, and had been made into Loaves or Lumps which were of an uniform Whiteness throughout, and had been thoroughly dried in the Stove: Provided also, that no Loaf or Lump of Sugar shall be deemed to be a proper Sample Loaf or Lump of Sugar equal to Double Refined, unless it be a Loaf or Lump complete, nor unless the same shall have been prepared after the Patent Principle.

Proviso for Double Refined Sugar.

Proviso for Patent Sugar.

Sugar entered not equal to the Standard shall be forfeited.

VIII. And be it enacted, That in case any Sugar which shall be entered in order to obtain the Bounty on Double Refined Sugar or Sugar equal in Quality to Double Refined Sugar shall, on Examination by the proper Officer, be found to be of a Quality not equal to such Standard Sample, all Sugar so entered shall be forfeited and may be seized.

Alteration of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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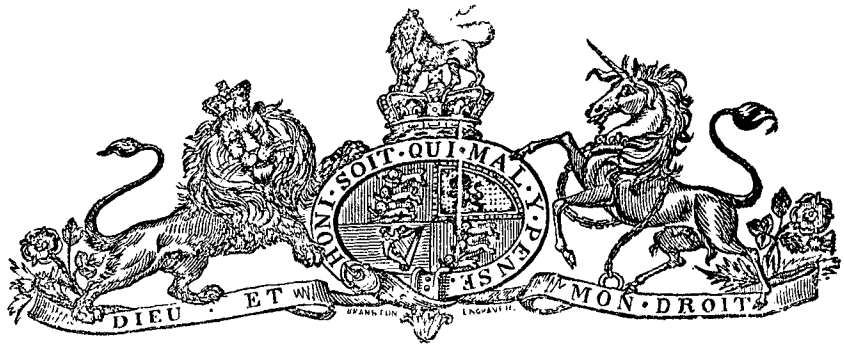

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XCIII.

An Act to regulate the Trade of *British* Possessions abroad. [4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act to regulate the Trade of the* British *Possessions abroad*, whereby the Laws of Customs in relation to the Trade of the *British* Possessions abroad were consolidated: And whereas since the passing of the said Act divers Acts and Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Acts and Parts of Acts should be consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force for all the Purposes therein mentioned, except where any other Commencement is herein particularly directed. 3 & 4 W. 4. c. 59. Commencement of Act.

II. And be it enacted, That no Goods shall be imported into, nor shall any Goods, except the Produce of the Fisheries in *British* Ships, be exported from any of the *British* Possessions in *America* by Sea from or to any Place other than the United Kingdom, or some other of such Possessions, except into or from the several Ports in Importation and Exportation of Goods confined to Free Ports.

such Possessions, called "Free Ports," enumerated or described in the Table following; (that is to say,)

TABLE of FREE PORTS.

Kingston	Jamaica.	
——— Old Harbour		
Savanna la Mer		
——— Black River		
Montego Bay		
——— St. Lucia		
Falmouth		
——— Rio Bueno		
——— St. Ann's		
Port Maria		
——— Annotto Bay		
Port Antonio		
Morant Bay		
——— Port Morant		
Bridgetown	Barbadoes.	
St. John's	Antigua.	
Plymouth	Montserrat.	
Basseterre	St. Kitt's.	
——— Anguilla.	Anguilla.	
Charlestown	Nevis.	
Road Harbour	Tortola.	
Castries	St. Lucia.	
Roseau	Dominica.	
Kingstown	St. Vincent.	
St. George's	Grenada.	
Port of Spain	Trinidad.	
——— San Fernando		
Scarborough	Tobago.	
George Town	Demerara	British Guiana.
New Amsterdam	Berbice	
Nassau	New Providence	Bahamas.
——— Grand Key	Turk's Island	
——— Pitt's Town	Crooked Island	
Any Port where there is a Custom House		
Ports St. George's and Hamilton		Bermudas.
Quebec	Canada.	
Halifax	Nova Scotia.	
——— Pictou		
——— Liverpool		
——— Yarmouth		
——— Lunenberg		
——— Shelburne		
——— Digby		
——— Windsor		
——— Parrsboro'		
——— Cumberland		
——— New Edinburgh		
——— Arichat		
——— Sydney, Cape Breton		

Charlotte

Charlotte Town - -	Prince Edward's Island.
George Town - -	
St. John's - - -	New Brunswick.
——— Miramichi -	
——— Dalhousie -	
St. Andrew's - -	
——— Magaguadavic	
——— Campo Bello -	
St. John's - - -	Newfoundland.
——— Harbour Grâce -	

And if any Goods shall be imported into any Port or Place in any of the said Possessions contrary hereto, such Goods shall be forfeited: Provided always, that if Her Majesty shall deem it expedient to extend the Provisions of this Act to any Port or Ports not enumerated in the said Table, it shall be lawful for Her Majesty, by Order in Council, to extend the Provisions of this Act to such Port or Ports; and from and after the Day mentioned in such Order in Council all the Privileges and Advantages of this Act, and all the Provisions, Penalties, and Forfeitures therein contained (subject nevertheless to the Limitations and Restrictions herein-after provided) shall extend, and be deemed and construed to extend, to any such Port or Ports respectively, as fully as if the same had been inserted and enumerated in the said Table at the Time of passing this Act: Provided also, that nothing herein-before contained shall extend to prohibit the Importation or Exportation of Goods into or from any Ports or Places in *Newfoundland* or *Labrador* in *British* Ships: Provided also, that it shall be lawful to import from the Islands of *Guernsey* and *Jersey* in *British* Ships into any Port or Place in the *British* Possessions in *North America*, at or from whence the *British* Fisheries in *North America* are carried on, any Sort of Craft, Food, Victuals (except Spirits), and any Sort of Clothing and Implements and Materials fit and necessary for the said Fisheries, although such Port or Place be not a Free Port.

Her Majesty may appoint other Ports to be Free Ports.

Proviso for Articles from Guernsey, &c. for the Fisheries.

III. And whereas there are in the said Possessions many Places situated in Rivers and in Bays at which it may be necessary to establish Ports for particular and limited Purposes only; be it therefore enacted, That it shall be lawful for Her Majesty, in any Order in Council made for the Appointment of any Free Port, to limit and confine such Appointments respectively to any and such Purposes only as shall be expressed in such Order.

Her Majesty may appoint Ports for limited Purposes.

IV. And whereas by the Law of Navigation Foreign Ships are permitted to import into any of the *British* Possessions in *Asia*, *Africa*, or *America*, from the Countries to which they belong, Goods the Produce of those Countries, and to export Goods from such Possessions to be carried to any Foreign Country whatever: And whereas it is expedient that such Permission should be subject to certain Conditions; be it therefore enacted, That the Privileges thereby granted to Foreign Ships shall be limited to the Ships of those Countries which, having Colonial Possessions, shall grant the like Privileges of trading with those Possessions to *British* Ships, or which, not having Colonial Possessions, shall place the Commerce and Navigation of this

Limitation of the Privileges of Foreign Ships.

this Country, and of its Possessions abroad, upon the Footing of the most favoured Nation, unless Her Majesty, by Her Order in Council, shall in any Case deem it expedient to grant the whole or any of such Privileges to the Ships of any Foreign Country, although the Conditions aforesaid shall not in all respects be fulfilled by such Foreign Country: Provided always, that no Foreign Country shall be deemed to have fulfilled the before-mentioned Conditions, or to be entitled to the Privileges aforesaid, unless and until Her Majesty shall, by some Order or Orders by Her made or to be made by the Advice of Her Privy Council, have declared that such Foreign Country hath so fulfilled the said Conditions, and is entitled to the said Privileges.

This Act not to affect 4 G. 4. c. 77. and 5 G. 4. c. 50. for regulating the Trade of Foreign Ships.

V. And be it enacted, That nothing contained in this Act, or any other Act passed in the present Session of Parliament, shall extend to repeal or in any way alter or affect an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to authorize His Majesty, under certain Circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage*, nor to repeal or in any way alter or affect an Act passed in the Fifth Year of the Reign of His said late Majesty, among other things, to amend the last-mentioned Act; and that all Trade and Intercourse between the *British* Possessions and all Foreign Countries shall be subject to the Powers granted to His said late Majesty by those Acts.

Establishing Prohibitions as per Table.

VI. And be it enacted, That the several Sorts of Goods enumerated or described in the Table following, denominated "A Table of Prohibitions and Restrictions," are hereby prohibited to be imported or brought, either by Sea or by Inland Carriage or Navigation, into the *British* Possessions in *America* or the *Mauritius*, or shall be so imported or brought only under the Restrictions mentioned in such Table, according as the several Sorts of such Goods are set forth therein; (that is to say,)

A TABLE OF PROHIBITIONS AND RESTRICTIONS.

Gunpowder,

Ammunition, Arms, or Utensils of War,

[Prohibited to be imported, except from the United Kingdom, or from some other *British* Possession.]

Coffee - -
Sugar (not being refined in Bond in the United Kingdom) - -
Molasses - -
Rum - - -

} Being the Produce or Manufacture of any *British* Possession within the Limits of the *East India* Company's Charter (except and subject as herein-after is provided), or, being of Foreign Produce or Manufacture,

[Prohibited to be imported into any of the *British* Possessions on the Continent of *South America* or in the *West Indies* (the *Bahama* and *Bermuda* Islands not included), or into the *Mauritius*, except to be warehoused for Exportation only, and may also be prohibited to be imported into the *Bahama* or *Bermuda* Islands by Her Majesty's Order in Council.]

Base or Counterfeit Coin,

[Prohibited to be imported.]

And

And if any Goods shall be imported or brought into any of the *British* Possessions in *America* or the *Mauritius* contrary to any of the Prohibitions or Restrictions mentioned in such Table in respect of such Goods, the same shall be forfeited; and if the Ship or Vessel in which such Goods shall be imported be of less Burden than Sixty Tons, such Ship or Vessel shall also be forfeited.

Goods imported contrary hereto forfeited.

VII. Provided always, and be it enacted, That it shall be lawful to import into any *British* Possessions in the *West Indies* and *South America*, and into the *Mauritius*, any Coffee the Produce of any *British* Possessions within the Limits of the *East India* Company's Charter, and also any Sugar the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, into which the Importation of Sugar the Produce of any Foreign Country, or of any *British* Possession into which Foreign Sugar may be legally imported, has been prohibited, and also any Rum the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, into which the Importation of Rum the Produce of any Foreign Country, or of any *British* Possession into which Foreign Sugar or Rum may be legally imported, has been prohibited: Provided nevertheless, that no such Coffee, Sugar, or Rum shall be entered in any *British* Possession in the *West Indies* or *South America*, or in the Island of *Mauritius*, as being the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, from which the same may be so legally imported, unless the Master of the Ship importing the same shall have delivered to the Collector or principal Officer of the Customs at the Port of Importation such Certificate of Origin as herein-after is mentioned, under the Hand and Seal of the proper Officer at the Place where the same shall have been taken on board; and such Master shall also make and subscribe a Declaration before the proper Officer of the Customs that such Certificate was received by him at the Place where such Coffee, Sugar, or Rum was taken on board, and that the Coffee, Sugar, or Rum so imported is the same as is mentioned therein; and such Certificate of Origin shall, as regards Coffee, certify that a Declaration in Writing had been made and signed before the Officer giving such Certificate, the Contents of which he believed to be true, by the Shipper of such Coffee, that the same was really and *bonâ fide* the Produce of some *British* Possession; and such Certificate of Origin shall, as respects Sugar, state the Name of the District in which such Sugar was produced, the Quantity and Quality thereof, the Number and Denomination of the Packages containing the same, and the Name of the Ship in which they were laden, and of the Master thereof, and the Officer giving the same; the Shipper of such Sugar shall likewise certify that there had been produced a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Customs Revenue of the District within which such Sugar was produced, that such Sugar was of the Produce of such District, and that the Importation into such District of Foreign Sugar, or Sugar the Growth of any *British* Possession into which Foreign Sugar can be legally imported, is prohibited; and such Certificate of Origin shall, as respects Rum, state

Coffee, Sugar, and Rum may be imported into the British Possessions in the West Indies and South America and the Mauritius in certain Cases.

state the Name of the District in which such Rum was produced, the Quantity and Strength thereof, the Number and Denomination of the Packages containing the same, and the Name of the Ship in which they were laden, and of the Master thereof, and shall also testify that there had been produced to the Party giving such Certificate, by the Shipper of such Rum, a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Customs Revenue of the District within which such Rum was produced, that the same was the Production of such District.

Coffee, &c., though British, deemed Foreign in certain Cases.

VIII. And be it enacted, That all Coffee, Sugar, Molasses, and Rum (although the same may be of *British* Plantations) exported from any of the *British* Possessions in *America*, into which the like Goods of Foreign Production can be legally imported, shall, upon subsequent Importation from thence into any of the *British* Possessions in *America* or the *Mauritius*, into which such Goods, being of Foreign Production, cannot be legally imported, or into the United Kingdom, be deemed to be of Foreign Production, and shall be liable, on such Importation respectively, to the same Duties or the same Forfeitures as Articles of the like Description, being of Foreign Production, would be liable to, unless the same shall have been warehoused under the Provisions of this Act, and exported from the Warehouse direct to such other *British* Possession, or to the United Kingdom, as the Case may be.

Foreign Reprints of Books under Copyright prohibited.

IX. And be it enacted, That any Books wherein the Copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or re-printed in any other Country, shall be and are hereby absolutely prohibited to be imported into the *British* Possessions abroad: Provided always, that no such Books shall be prohibited to be imported as aforesaid unless the Proprietor of such Copyright, or his Agent, shall have given Notice in Writing to the Commissioners of Customs that such Copyright subsists, and in such Notice shall have stated when the Copyright will expire; and the said Commissioners shall cause to be made, and to be publicly exposed at the several Ports in the *British* Possessions abroad, from Time to Time, printed Lists of Books respecting which such Notice shall have been duly given, and all Books imported contrary thereto shall be forfeited.

Foreign Manufactures with British Marks.

X. And be it enacted, That if any Articles of Foreign Manufacture, and any Packages of such Articles bearing any Names, Brands, or Marks of Manufacturers resident in the United Kingdom, shall be imported into any of the *British* Possessions abroad, the same shall be forfeited.

Import Duties imposed.

XI. And be it enacted, That there shall be raised, levied, collected, and paid unto Her Majesty the several Duties of Customs, as the same are respectively set forth in Figures in the Table of Duties hereinafter contained, upon Goods, Wares, and Merchandize not being the Growth, Production, or Manufacture of the United Kingdom, or of

any of the *British* Possessions in *America*, or of the *Mauritius*, or of any of the *British* Possessions within the Limits of the *East India* Company's Charter, or the Produce of any of the *British* Fisheries imported or brought into any of the *British* Possessions in *America* or the *Mauritius*, by Sea or Inland Carriage or Navigation.

TABLE OF DUTIES.

		s.	d.
Wheat Flour	the Barrel of 196 lbs.	2	0
Fish of Foreign taking or curing: dried or salted	the Cwt.	2	0
Fish of Foreign taking or curing: pickled	the Barrel	4	0
Meat, salted or cured	the Cwt.	3	0
Butter	—	8	0
Cheese	—	5	0
Coffee	—	5	0
Cocoa	—	1	0
Molasses	—	3	0
Sugar, unrefined	—	5	0
Refined Sugar, the Produce of and refined in Foreign Countries	20 per Centum ad valorem.		
Tea, unless imported direct from China, or unless imported from the United Kingdom, or from any of the British Possessions	per lb.	0	1
SPIRITS:			
Rum	per Gallon	0	6
Other Spirits and Cordials	—	1	0
Glass Manufactures; Silk Manufactures; Spermaceti	15 per Centum ad valorem.		
Wine, whether bottled or not; Cotton Manufactures; Linen Ditto; Woollen Ditto; Leather Ditto; Paper Ditto; Hardware; Clocks and Watches; Manufactured Tobacco; Soap; Candles other than Spermaceti; Corks, Cordage, and Oakum	7 per Centum ad valorem.		
Oil, Blubber, Fins, and Skins, the Produce of Fish and Creatures living in the Sea, of Foreign Fishing	15 per Centum ad valorem.		
Articles not enumerated, except such as are comprised or referred to in the subjoined Table of Exemptions	4 per Centum ad valorem.		
And if any of the Goods herein-before charged with Duty, except Sugar, shall be imported through the United Kingdom, (having been warehoused therein, and being exported from the Warehouse, or the Duties thereon, if there paid, having been drawn back,)	Such Goods shall only be charged with Three Fourths of the Duties herein-before imposed.		

TABLE

TABLE OF EXEMPTIONS.

Coin, Bullion, and Diamonds.
Horses, Mules, Asses, neat Cattle, and all other Live Stock.
Hay and Straw.
Tallow and raw Hides.
Salt.
Rice.
Corn and Grain unground.
Biscuit or Bread.
Meal or Flour, except Wheat Flour.
Fresh Meat.
Fresh Fish.
Fruit and Vegetables, fresh.
Carriages of Travellers.
Wood and Lumber.
Cotton Wool.
Hemp, Flax, and Tow.
Drugs.
Gums and Resins.
Tortoiseshell.
Manures of all Kinds.
Specimens illustrative of Natural History.
Herrings taken and cured by the Inhabitants of the Isle of Man, and imported from thence.
Tea imported direct from China or from the United Kingdom, or from any British Possession.
Provisions and Stores of every Description imported or supplied for the Use of Her Majesty's Land and Sea Forces.
All Goods imported from the United Kingdom after having there paid the Duties of Consumption, and imported from thence without Drawback.

And also such of the following Articles, (namely,)

Salted or cured Meat,
Flour,
Butter,
Cheese,
Molasses,
Corkwood,
Cordage,
Oakum,
Pitch,
Tar,
Turpentine,
Leather and Leather-ware,
Fisherman's Clothing and Hosiery,
Fishing Craft, Utensils, Instruments, and Bait,

as shall be imported for the Use of the *British* Fisheries in *America* into any Place at or from whence any such Fishery is carried on.

Commissioners of Customs may make necessary Regulations.

XII. And be it enacted, That the Commissioners of Customs, or the principal Officer of Customs at the Place of Importation, shall make and establish such Regulations as may be necessary for the Purpose of ascertaining that such Articles as last aforesaid are *bonâ fide* intended to be applied to the Use of such Fisheries, or that such Provisions and Stores as aforesaid are *bonâ fide* imported or supplied for the Use of Her Majesty's Land and Sea Forces.

Import Duty on Sugar refined in Bond.

XIII. And be it enacted, That there shall be raised, levied, collected, and paid unto Her Majesty a Duty of Ten Pounds for every One hundred Pounds of the Value upon Sugar refined in Bond in the United Kingdom, not being of the Growth of any of the *British* Possessions in *America* or of the *Mauritius*, or of any of the *British* Possessions within the Limits of the *East India* Company's Charter, imported into any of the *British* Possessions in *America* or into the *Mauritius*.

Crown Goods sold after Importation to be charged with Duty.

XIV. And be it enacted, That all Goods, Wares, and Merchandize, the Property of the Crown, shall, in case of the Sale thereof after Importation into any of the *British* Possessions abroad, be liable to and be charged with such and the same Duties of Customs as may by Law be payable or charged on the like Goods, Wares, and Merchandize, not being the Property of the Crown.

XV. And

Duties imposed by this Act to be increased in certain Cases.

XV. And be it enacted, That if in any of the *British* Possessions in *America* or the *Mauritius* any Duty be chargeable by any Colonial Law upon any Articles being the Growth, Produce, or Manufacture of the United Kingdom, or of the *British* Possessions in *America*, or the *Mauritius*, or of the *British* Possessions within the Limits of the *East India* Company's Charter, or the Produce of the *British* Fisheries, beyond the Duty (if any) chargeable by such Colonial Law upon similar Foreign Articles, a Duty equal to such Excess or Amount (as the Case may be) of the Duties so chargeable by such Colonial Law upon such *British* Articles shall be charged under this Act upon such Foreign Articles, in addition to the Imperial Duties (if any) hereby imposed thereon; and that if in any of the *British* Possessions in *America* or the *Mauritius* any Duty be chargeable by any Colonial Law upon Tea imported direct from *China*, or imported from the United Kingdom, or any of the *British* Possessions, beyond the Duty (if any) chargeable by such Colonial Law upon Tea not so imported, the Imperial Duty hereby imposed upon Tea not so imported shall be increased by such Excess or Amount (as the Case may be) of the Duties so chargeable by such Colonial Law upon Tea imported direct from *China*, or imported from the United Kingdom, or from any of the *British* Possessions.

Power to Her Majesty, by Order in Council, to exempt certain Articles from Duty.

XVI. And be it enacted, That it shall and may be lawful for Her Majesty, by and with the Advice of Her Privy Council, by any Order or Orders in Council to be issued from Time to Time, to direct that any Article described in such Order, being an Article chargeable under this Act as an unenumerated Article, with a Duty of Four *per Centum ad valorem*, shall be added to the List of Exemptions hereinbefore set forth, and shall be free from such Duty; and from and after the Time mentioned in such Order for the Commencement of such Exemption, not being less than Six Months from the Date thereof, such Exemption shall take effect, and such Article shall thenceforth, whilst such Order shall continue in force, be free from such Duty accordingly; and any such Order may at any Time be suspended or revoked by Her Majesty, with the Advice of Her Privy Council, by any other Order in Council.

Money levied under this Act to be Sterling Money of Great Britain.

XVII. And be it enacted, That all Sums of Money granted or payable under this Act as Duties, Penalties, or Forfeitures in the *British* Possessions in *America* or the *Mauritius* shall be deemed and are hereby declared to be Sterling Money of *Great Britain*, and shall be collected, recovered, and paid to the Amount of the Value which such nominal Sums bear in *Great Britain*, and such Money may be received and taken in Sterling Money of *Great Britain*, or in Foreign Coins at such Rates as shall be equivalent to Sterling Money of *Great Britain*, and which shall have been fixed by any Proclamation issued by Her Majesty; and all Duties under this Act shall be paid and received in every Part of the *British* Possessions in *America* and in the *Mauritius* according to the Imperial Weights and Measures now by Law established; and in all Cases where such Duties are imposed according to any specific Quantity or any specific Value, the same shall be deemed to apply in the same Proportion to any greater or less Quantity or Value; and all such Duties shall be

Duties to be levied according to Imperial Weights and Measures.

To be under Management

of Commissioners of Customs.

under the Management of the Commissioners of Her Majesty's Customs.

Net Produce of Duties how to be applied.

XVIII. And be it enacted, That the net Produce of the Duties so received by the Means and Powers of this Act shall be paid by the Collector of the Customs into the Hands of the Treasurer or Receiver General of the Colony, or other proper Officer authorized to receive the same in the Colony in which the same shall be levied, to be applied to such Uses as shall be directed by the local Legislatures of such Colonies respectively; and that the Produce of such Duties so received as aforesaid in the Colonies which have no local Legislature shall and may be applied in such Manner as shall be directed by the Commissioners of Her Majesty's Treasury.

Goods from the Channel Islands.

XIX. And be it enacted, That Goods the Produce or Manufacture of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, when imported from such Islands into the *British* Possessions in *America* or the *Mauritius*, shall be admitted to Entry upon Payment of the same Duties as are payable upon the like Goods the Produce or Manufacture of the United Kingdom, or of any of the said Possessions, upon Production to the principal Officer of Customs at the Port of Importation of the Proofs now required by Law that such Goods are the Production or Manufacture of the Islands aforesaid.

All British Vessels shall be subject to equal Duties in the Colonies, except Coasting Vessels.

XX. And whereas in some of Her Majesty's Possessions abroad certain Duties of Tonnage are, by Acts of the local Legislatures of such Possessions, made payable in respect of or are levied upon *British* Vessels, to which Duties the like Vessels built within such Possessions, or owned by Persons resident there, are not subject; be it enacted, That there shall be levied and paid at the several *British* Possessions abroad upon all Vessels built in any such Possessions, or owned by any Person or Persons there resident, other than Coasting or Drogueing Vessels employed in coasting or drogueing, all such and the like Duties of Tonnage and Shipping as are or shall be payable in any such Possessions upon the like *British* Vessels built in other Parts of Her Majesty's Dominions, or owned by Persons not resident in such Possessions.

Ship and Cargo to be reported on Arrival.

Particulars of Report.

XXI. And be it enacted, That the Master of every Ship arriving in any of the *British* Possessions in *America* or the *Mauritius*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, whether laden or in Ballast, shall come directly, and before Bulk be broken, to the Custom House for the Port or District where he arrives, and there make a Report in Writing to the Collector or Comptroller, or other proper Officer, of the Arrival and Voyage, of such Ship, stating her Name, Country, and Tonnage, and, if *British*, the Port of Registry, the Name and Country of the Master, the Country of the Owners, the Number of the Crew, and how many are of the Country of such Ship, and whether she be laden or in Ballast, and, if laden, the Marks, Numbers, and Contents of every Package and Parcel of Goods on board, and where the same was laden, and where and to whom consigned, and whether any and what Goods, if any, had been unladen during the Voyage, as far as any such Particulars can be known to him;

him; and the Master shall further answer all such Questions concerning the Ship and Cargo, and the Crew and the Voyage, as shall be demanded of him by such Officer; and if any Goods be unladen from any Ship before such Report be made, or if the Master fail to make such Report, or make an untrue Report, or do not truly answer the Questions demanded of him, he shall forfeit the Sum of One hundred Pounds, and if any Goods be not reported such Goods shall be forfeited. Penalty for false Report.

XXII. And be it enacted, That the Master of every Ship bound from any *British* Possession abroad, except the Territories subject to the Government of the Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, and *Bombay*, shall, before any Goods be laden therein, deliver to the Collector or Comptroller, or other proper Officer, an Entry Outwards under his Hand of the Destination of such Ship, stating her Name, Country, and Tonnage, and, if *British*, the Port of Registry, the Name and Country of the Master, the Country of the Owners, the Number of the Crew, and how many are of the Country of such Ship; and if any Goods be laden on board any Ship before such Entry be made the Master of such Ship shall forfeit the Sum of Fifty Pounds; and before such Ship depart, the Master shall bring and deliver to the Collector or Comptroller, or other proper Officer, a Content in Writing under his Hand of the Goods laden, and the Names of the respective Shippers and Consignees of the Goods, with the Marks and Numbers of the Packages or Parcels of the same, and shall make and subscribe a Declaration to the Truth of such Content as far as any of such Particulars can be known to him; and the Master of every Ship bound from any such Possession, whether in Ballast or laden, shall, before Departure, come before the Collector or Comptroller, or other proper Officer, and answer all such Questions concerning the Ship and the Cargo, if any, and the Crew and the Voyage, as shall be demanded of him by such Officer; and thereupon the Collector and Comptroller, or other proper Officer, if such Ship be laden, shall make out and give to the Master a Certificate of the Clearance of such Ship for her intended Voyage, containing an Account of the total Quantities of the several Sorts of Goods laden therein, or a Certificate of her Clearance in Ballast, as the Case may be; and if the Ship shall depart without such Clearance, or if the Master shall deliver a false Content, or shall not truly answer the Questions demanded of him, he shall forfeit the Sum of One hundred Pounds. Entry outwards of Ship for Cargo. Particulars of Entry. Penalty 50*l.* Content of the Cargo to be delivered before Departure. Clearance of Ship for the Voyage. Penalty for not clearing, 100*l.*

XXIII. And be it enacted, That no Goods shall be stated in such Certificate of Clearance of any Ship from any *British* Possession to be the Produce of such Possession unless such Goods shall have been expressly stated so to be in the Entry outwards of the same, and that all Goods not expressly stated in such Certificate of Clearance to be the Produce of such Possession shall, at the Place of Importation in any other such Possession or in the United Kingdom, be deemed to be of Foreign Production. Goods not stated to be Produce of British Possession to be deemed of Foreign Production.

XXIV. And be it enacted, That before any Clearing Officer permits any Vessel wholly or in part laden with Timber or Wood Goods Clearing Officers to ascertain and certify

that the Cargo of certain Ships is below Deck.

Goods to clear out from any *British* Port in *North America*, or in the Settlement of *Honduras*, for any Port in the United Kingdom, at any Time after the First Day of *September* or before the First Day of *May* in any Year, he shall ascertain that the whole of the Cargo of such Vessel is below Deck, and shall give the Captain or other Person having Command of such Vessel a Certificate to that Effect; and no Captain or other Person having Command of any Vessel so laden as aforesaid shall sail from any of the Ports aforesaid for any Port of the United Kingdom, at any such Time as aforesaid, until he has obtained such a Certificate as aforesaid from the Clearing Officer.

Captains of such Ships not to sail without Certificate.

No Part of the Cargo of such Ship to be placed on Deck.

XXV. And be it enacted, That no Captain, Owner, Supercargo, or other Person having Command of any Vessel in respect of which such Certificate as aforesaid has been obtained shall place, or permit or cause to be placed or to remain or be, upon or above the Deck of such Vessel, any Part of the Cargo thereof, until such Vessel has arrived at the Port of her Destination: Provided always, that if the Captain, or other Person having Command of any such Vessel, consider that it is necessary, in consequence of the springing a Leak, or of other Damage received or apprehended during the Voyage, to remove any Portion of the Cargo upon Deck, he may remove or cause to be removed upon the Deck of such Vessel so much of the Cargo, and may permit the same to remain there for such Time as he considers expedient: Provided also, that the Store Spars or other Articles necessary for the Vessel's Use shall not be taken to be Cargo for the Purposes of this Act.

Proviso for Removal of Cargo in Cases of Leakage or Damage.

Stores not taken to be Cargo.

Penalty for Default.

XXVI. And be it enacted, That if any Captain or other Person having the Command of any Vessel for which such Certificate as aforesaid is hereby required sails or attempts to sail without having obtained such Certificate, or places or permits, or causes to be placed or to remain or be, upon or above the Deck of such Vessel, any Part of the Cargo thereof, except in the Cases in which the same is not hereby forbidden, he shall for every Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Certain Produce of the State of Maine to be treated as the Produce of New Brunswick.

XXVII. And whereas a Treaty has been concluded between Her Majesty and the United States of *America*, dated the Ninth Day of *August* in the Year One thousand eight hundred and forty-two, whereby it is stipulated that all the Produce of the Forest in Logs, Lumber, Timber, Timber Boards, Staves, or Shingles, or of Agriculture not being manufactured, grown on any of those Parts of the State of *Maine* watered by the River *Saint John* or by its Tributaries, of which Fact reasonable Evidence shall, if required, be produced, shall have free Access into and through the said River and its said Tributaries, having their Source within the State of *Maine*, to and from the Seaport at the Mouth of the River *Saint John*, and to and round the Falls of the said River, either by Boats, Rafts, or other Conveyance; and that when within the Province of *New Brunswick* the said Produce shall be dealt with as if it were the Produce of the said Province: And whereas it is the Intention of the High Contracting Parties to the said Treaty that the aforesaid Produce should

be dealt with as if it were the Produce of the Province of *New Brunswick*; be it therefore enacted, That the Produce in the said recited Treaty and herein-before described shall, so far as regards all Laws relating to Duties, Navigation, and Customs in force in the United Kingdom, or in any of Her Majesty's Dominions, be deemed and taken to be and be dealt with as the Produce of the Province of *New Brunswick*: Provided nevertheless, that in all Cases in which Declarations and Certificates of Production or Origin and Certificates of Clearance would be required in respect of such Produce, if it were the Produce of *New Brunswick*, similar Declarations and Certificates shall be required in respect of such Produce, and shall state the same to be the Produce of those Parts of the State of *Maine* which are watered by the River *Saint John* or by its Tributaries.

Newfoundland Fishing Certificates in lieu of Clearance during the Fishing Season.

XXVIII. Provided always, and be it enacted, That whenever a Ship shall be cleared out from any Port in *Newfoundland*, or in any other Part of Her Majesty's Dominions, for the Fisheries on the Banks or Coasts of *Newfoundland* or *Labrador*, or the Dependencies thereof, without having on board any Article of Traffic, (except only such Provisions, Nets, Tackle, and other Things as are usually employed in and about the said Fishery, and for the Conduct and carrying on of the same,) the Master of any such Ship shall be entitled to demand from the Collector or other principal Officer of the Customs at such Port a Certificate under his Hand that such Ship hath been specially cleared out for the *Newfoundland* Fishery, and such Certificate shall be in force for the Fishing Season for the Year in which the same may be granted, and no longer; and upon the first Arrival in any Port in the said Colony of *Newfoundland*, or its Dependencies, of any Ship having on board any such Certificate as aforesaid, a Report thereof shall be made by the Master of such Ship to the principal Officer of Customs at such Port, and all Ships having such Certificate which has been so reported, and being actually engaged in the said Fishery, or in carrying Coastwise, to be landed or put on board any other Ships engaged in the said Fishery, any Fish, Oil, Salt, Provisions, or other Necessaries for the Use and Purposes thereof, shall be exempt from all Obligation to make an Entry at or obtain any Clearance from any Custom House at *Newfoundland*, upon Arrival or Departure from any of the Ports or Harbours of the said Colony or its Dependencies, during the Continuance of the Fishing Season for which such Certificate may have been granted; and previously to obtaining a Clearance at the End of such Season for any Voyage at any of such Ports the Master of such Ship shall deliver up the before-mentioned Certificate to the principal Officer of the Customs of such Port: Provided always, that in case any such Ship shall have on board during the Time the same may be engaged in the said Fishery any Goods or Merchandizes whatsoever other than Fish, Seals, Oil made of Fish or Seals, Salt, Provisions, and other Things, being the Produce of or usually employed in the said Fishery, such Ship shall forfeit the said Fishing Certificate, and shall thenceforth become and be subject and liable to all such and the same Rules, Restrictions, and Regulations as Ships in general are subject or liable to.

At the End of the Season the Certificate to be delivered up.

Ships trading to forfeit their Certificate.

Entry of Goods to be laden or unladen,

XXIX. And be it enacted, That no Goods shall be laden or waterborne to be laden on board any Ship, or unladen from any Ship, in any of the *British* Possessions in *America* or the *Mauritius*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, until due Entry shall have been made of such Goods, and Warrant granted for the lading or unlading of the same; and that no Goods shall be so laden or waterborne, or so unladen, except at some Place at which an Officer of the Customs is appointed to attend the lading and unlading of Goods, or at some Place for which a Sufferance shall be granted by the Collector and Comptroller or other principal Officer for the lading and unlading of such Goods; and that no Goods shall be so laden or unladen except in the Presence or with the Permission in Writing of the proper Officer: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Customs to make and appoint such other Regulations for the carrying Coastwise of any Goods, or for the removing of any Goods for Shipment, as to them shall appear expedient; and that all Goods laden, waterborne, or unladen contrary to the Regulations of this Act, or contrary to any Regulations so made and appointed, shall be forfeited.

Regulations Inwards and Outwards.

Regulations Coastwise.

Forfeiture.

Commissioners of Customs may declare Trade between neighbouring Colonies a Coasting Trade.

XXX. And be it enacted, That whenever it shall appear to the Commissioners of Her Majesty's Customs expedient to establish a Coasting Trade for the Removal of Goods generally, or for the Removal of any particular Goods between neighbouring Ports of different Colonies similarly circumstanced in respect of Duties in any of the *British* Possessions abroad, it shall be lawful for the said Commissioners to issue Directions for that Purpose, and from and after the Publication thereof in the Gazette, or other public Paper printed in the said Colonies to which such Coasting Trade has been extended, the same shall come into and be in full Force and Effect; and such Coasting Trade shall be subject to the like Rules, Regulations, Penalties, and Forfeitures as the said Commissioners are authorized to make for the carrying Coastwise of any Goods under the Provisions of this Act.

Particulars of Entry of Goods Inwards and Outwards.

XXXI. And be it enacted, That the Person entering any Goods shall deliver to the Collector or Comptroller or other proper Officer a Bill of the Entry thereof, fairly written in Words at Length, containing the Name of the Exporter or Importer, and of the Ship and of the Master, and of the Place to or from which bound, and of the Place within the Port where the Goods are to be laden or unladen, and the Particulars of the Quality and Quantity of the Goods, and the Packages containing the same, and the Marks and Numbers on the Packages, and setting forth whether such Goods be the Produce of the *British* Possessions in *America* or not, and shall also deliver at the same Time One or more Duplicates of such Bill, in which all Sums and Numbers may be expressed in Figures; and the Particulars to be contained in such Bill of Entry shall be written and arranged in such Form and Manner, and the Number of such Duplicates shall be such, as the Collector or other principal Officer shall require, and such Person shall at the same Time pay down all Duties due upon the Goods; and the Collector and Comptroller or other proper

Officer shall thereupon grant their Warrant for the lading or unlading of such Goods.

If no Officer of Customs resident at the Port of Shipment, Certificate by whom to be granted.

XXXII. Provided always, and be it enacted, That where there is no Collector or Comptroller or Officer of Customs at the Port or Place of Shipment of such Goods, then the principal Civil Officer in the Service of Her Majesty at such Place, or his sufficient Representative, shall be deemed and taken to be the proper Officer for the Performance of all such Duties with respect to such Goods as are hereby required to be performed by the Collector or other Officer or Officers of Customs.

Entry Inwards by Bill of Sight.

XXXIII. And be it enacted, That if the Importer of any Goods shall make and subscribe a Declaration before the Collector or Comptroller or other proper Officer that he cannot, for Want of full Information, make perfect Entry thereof, it shall be lawful for the Collector and Comptroller or other proper Officer to receive an Entry by Bill of Sight for the Packages or Parcels of such Goods by the best Description which can be given, and to grant a Warrant thereupon, in order that the same may be landed and secured to the Satisfaction of the Officer of the Customs, and at the Expence of the Importer, and may be seen and examined by such Importer in the Presence of the proper Officers; and within Three Days after the Goods shall have been so landed the Importer shall make a perfect Entry thereof, and pay down all Duties due thereon, and in default of such Entry such Goods shall be taken to the Queen's Warehouse; and if the Importer shall not, within One Month after such landing, make perfect Entry of such Goods, and pay the Duties due thereon, together with Charges of Removal and Warehouse Rent, such Goods shall be sold for the Payment thereof, and the Overplus (if any) shall be paid to the Proprietor of the Goods.

Within Three Days after landing of Goods perfect Entry to be made and Duties paid.

Goods subject to ad valorem Duty.

Value to be declared on Entry.

XXXIV. And be it enacted, That in all Cases where the Duties imposed by this Act upon the Importation of Articles into Her Majesty's Possessions in *America* or the *Mauritius* are charged not according to the Weight, Tale, Gauge, or Measure, but according to the Value thereof, such Value shall be ascertained by the Declaration of the Importer of such Articles, or his known Agent, in manner and form following; (that is to say,)

'I *A. B.* do hereby declare, That the Articles mentioned in the 'Entry, and contained in the Packages [*here specifying the several 'Packages, and describing the several Marks and Numbers, as the 'Case may be*], are of the Value of

'Witness my Hand the Day of

'*A. B.*

'The above Declaration signed the Day of in 'the Presence of *C.D.*, Collector [*or other principal Officer*]."

Which Declaration shall be written on the Bill of Entry of such Articles, and shall be subscribed with the Hand of the Importer thereof, or his known Agent, in the Presence of the Collector or other principal Officer of the Customs at the Port of Importation; provided that if upon View and Examination of such Articles by the proper Officer

Mode of Proceeding if the Goods

be under-valued.

Officer of the Customs it shall appear to him that the said Articles are not valued according to the true Price or Value thereof, and according to the true Intent and Meaning of this Act, then and in such Case the Importer or his known Agent shall be required to declare on Oath before the Collector or Comptroller what is the Invoice Price of such Articles, and that he verily believes such Invoice Price is the current Value of the Articles at the Place from whence the said Articles were imported; and such Invoice Price, with the Addition of Ten Pounds *per Centum* thereon, shall be deemed to be the Value of the Articles, in lieu of the Value so declared by the Importer or his known Agent, and upon which the Duties imposed by this Act shall be charged and paid: Provided also, that if it shall appear to the Collector and Comptroller or other proper Officer that such Articles have been invoiced below the real and true Value thereof at the Place from whence the same were imported, or if the Invoice Price is not known, the Articles shall in such Case be examined by Two competent Persons, to be nominated and appointed by the Governor or Commander-in-Chief of the Colony, Plantation, or Island into which the said Articles are imported; and such Persons shall declare on Oath before the Collector or Comptroller or other proper Officer what is the true and real Value of such Articles in such Colony, Plantation, or Island; and the Value so declared on the Oaths of such Persons shall be deemed to be the true and real Value of such Articles, and upon which the Duties imposed by this Act shall be charged and paid.

Proof of Invoice Price.

If necessary, Two Persons may be nominated to fix the Price.

If Importer refuse to pay such Duty, the Goods may be sold.

XXXV. And be it enacted, That if the Importer of such Articles shall refuse to pay the Duties hereby imposed thereon, it shall and may be lawful for the Collector or other Chief Officer of the Customs where such Articles shall be imported, and he is hereby required, to take and secure the same, with the Casks or other Package thereof, and to cause the same to be publicly sold within the Space of Twenty Days at the most after such Refusal made, and at such Time and Place as such Officer shall, by Four or more Days public Notice, appoint for that Purpose, which Articles shall be sold to the best Bidder; and the Money arising from the Sale thereof shall be applied in the first place in Payment of the said Duties, together with the Charges that shall have been occasioned by the said Sale, and the Overplus, if any, shall be paid to such Importer or Proprietor, or any other Person authorized to receive the same.

If Goods be not entered in Twenty Days, the Officer may land and secure them.

If Duties be not paid within Three Months, Goods to be sold.

XXXVI. And be it enacted, That every Importer of any Goods shall, within Twenty Days after the Arrival of the importing Ship, make due Entry Inwards of such Goods, and land the same; and in default of such Entry and Landing it shall be lawful for the Officers of the Customs to convey such Goods to the Queen's Warehouse; and if the Duties due upon such Goods be not paid within Three Months after such Twenty Days shall have expired, together with all Charges of Removal and Warehouse Rent, the same shall be sold, and the Produce thereof shall be applied first to the Payment of Freight and Charges, next of Duties, and the Overplus, if any, shall be paid to the Proprietor of the Goods, or any other Person authorized to receive the same.

XXXVII. And

XXXVII. And be it enacted, That every Act, Matter, or Thing required by any Law at any Time in force to be done or performed by, to, or with the Collector and Comptroller of Customs in any of Her Majesty's Possessions abroad shall and may be done or performed at such Ports or Places where there is no Comptroller of Customs by, to, or with the Collector or other principal Officer of Customs; and every such Act, Matter, or Thing so done or performed by, to, or with such Collector or other principal Officer of Customs shall be as valid and effectual in Law as if the same had been done and performed by, to, or with any Collector and Comptroller of Customs under any Law now in force or hereafter to be made.

In Places where there is no Comptroller of Customs Acts done by Collector or principal Officer alone to be valid.

XXXVIII. And be it enacted, That no Goods shall be imported into any *British* Possession as being imported from the United Kingdom, or from any other *British* Possession (if any Advantage attach to such Distinction), unless such Goods appear upon the Cockets or other proper Documents for the same to have been duly cleared Outwards at the Port of Exportation in the United Kingdom, or in such other *British* Possession, nor unless the Ground upon which such Advantage be claimed be stated in such Cocket or Document.

Goods imported from United Kingdom or from British Possessions must appear in Cocket, &c.

XXXIX. And be it enacted, That no Goods shall, upon Importation into any of the *British* Possessions in *America* or the *Mauritius*, be deemed to be of the Growth, Production, or Manufacture of the United Kingdom, or of any *British* Possession in *America* or the *Mauritius* respectively, unless imported from the United Kingdom, or from some *British* Possession in *America* or the *Mauritius* respectively.

Goods when to be deemed of the Growth of United Kingdom, &c.

XL. And be it enacted, That no Entry nor any Warrant for the landing of any Goods, or for the taking of any Goods out of any Warehouse, shall be deemed valid, unless the Particulars of the Goods and Packages in such Entry shall correspond with the Particulars of the Goods and Packages purporting to be the same in the Report of the Ship, or in the Certificate or other Document, where any is required, by which the Importation or Entry of such Goods is authorized, nor unless the Goods shall have been properly described in such Entry by the Denominations and with the Characters and Circumstances according to which such Goods are charged with Duty or may be imported; and any Goods taken or delivered out of any Ship or out of any Warehouse by virtue of any Entry or Warrant not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to be Goods landed or taken without due Entry thereof, and shall be forfeited.

Entry not to be valid if Goods be not properly described in it.

XLI. And be it enacted, That before any Sugar, Coffee, Cocoa, or Spirits shall be shipped for Exportation in any *British* Possession in *America*, or in the Island of *Mauritius*, as being the Produce of such Possession or of the said Island, the Proprietor of the Estate on which such Goods were produced, or his known Agent, shall make and sign a Declaration in Writing before the Collector, Comptroller, or other Officer of Customs at the Port of Exportation, or before One of Her Majesty's Justices of the Peace residing in or near the Place where such Estate is situated, declaring that such Goods are the Produce of such Estate; and such Declaration shall set forth

Certificate of Production for Sugar, Coffee, Cocoa, or Spirits.

Declaration of the Grower.

the Name of the Estate, and the Description and Quantity of the Goods, and the Packages containing the same, with the Marks and Numbers thereon, and the Name of the Person to whose Charge at the Place of Shipment they are to be sent; and if any Justice of the Peace or other Officer aforesaid shall subscribe his Name to any Writing purporting to be such a Declaration, unless the Person purporting to make the same shall actually appear before him, and shall declare to the Truth of the same, such Justice of the Peace or Officer aforesaid shall forfeit and pay for any such Offence the Sum of Fifty Pounds; and the Person entering and shipping such Goods shall deliver such Declaration to the Collector or Comptroller or other proper Officer, and shall make and subscribe a Declaration before him that the Goods which are to be shipped by virtue of such Entry are the same as are mentioned in such first-mentioned Declaration; and the Master of the Ship in which such Goods shall be laden shall, before Clearance, make and subscribe a Declaration before the Collector or Comptroller or other proper Officer that the Goods shipped by virtue of such Entry are the same as are mentioned and intended in such first-mentioned Declaration, to the best of his Knowledge and Belief; and thereupon the Collector and Comptroller or other proper Officer shall sign and give to the Master a Certificate of Production, stating that Proof has been made in manner required by Law that such Goods (describing the same) are the Produce of such *British* Possession, or of the said Island, and setting forth in such Certificate the Name of the Exporter and of the exporting Ship, and of the Master thereof, and the Destination of the Goods; and if any Sugar, Coffee, Cocoa, or Spirits be imported into any *British* Possession in *America*, as being the Produce of some other such Possession or of the said Island, without such Certificate of Production, the same shall be forfeited.

Declaration of Exporter.

Declaration of the Master.

Certificate of Production on Re-exportation from another Colony.

XLII. And be it enacted, That before any Sugar, Coffee, Cocoa, or Spirits shall be shipped for Exportation in any *British* Possession in *America* as being the Produce of some other such Possession, the Person exporting the same shall in the Entry Outwards state the Place of Production, and refer to the Entry Inwards and landing of such Goods, and shall make and subscribe a Declaration before the Collector or Comptroller to the Identity of the same; and thereupon, if such Goods shall have been duly imported with a Certificate of Production within Twelve Months prior to the shipping for Exportation, the Collector and Comptroller shall sign and give to the Master a Certificate of Production founded upon and referring to the Certificate of Production under which such Goods had been so imported, and containing the like Particulars, together with the Date of such Importation.

Goods brought over Land or by Inland Navigation.

XLIII. And whereas it is expedient to make Regulation respecting the Inland Trade of the *British* Possessions in *America*; be it therefore enacted, That it shall be lawful to bring or import by Land or by Inland Navigation into any of the *British* Possessions in *America* from any adjoining Foreign Country any Goods which might be lawfully imported by Sea into such Possession from such Country, and so to bring or import such Goods in the Vessels, Boats, or Carriages of such Country, as well as in *British* Vessels, Boats, or Carriages.

What Vessels shall be deemed British on the Lakes in America.

XLIV. And be it enacted, That no Vessel or Boat shall be admitted to be a *British* Vessel or Boat on any of the Inland Waters or Lakes in *America*, except such as shall have been built at some Place within the *British* Dominions, and shall be wholly owned by *British* Subjects, and shall not have been repaired at any Foreign Place to a greater Extent than in the Proportion of Ten Shillings for every Ton of such Vessel or Boat at any One Time: Provided always, that nothing herein-before contained shall extend to prevent the Employment of any Vessel or Boat as a *British* Vessel or Boat on such Inland Waters or Lakes which shall have wholly belonged to *British* Subjects before the Fifth Day of *July* One thousand eight hundred and twenty-five, and which shall not have been since that Day repaired as aforesaid in any Foreign Place.

Goods must be brought to a Place where there is a Custom House.

Governor may appoint Custom Houses.

XLV. Provided always, and be it enacted, That it shall not be lawful so to bring or import any Goods except into some Port or Place of Entry at which a Custom House now is or hereafter may be lawfully established; Provided also, that it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government of any of the said Possessions respectively, by and with the Advice and Consent of the Executive Council thereof for the Time being, if any Executive Council be there established, from Time to Time to diminish or increase, by Proclamation, the Number of Ports or Places of Entry which are or hereafter may be appointed in such Province for the Entry of Goods brought or imported as aforesaid.

Duties to be collected in same Manner as on Goods imported by Sea.

XLVI. And be it enacted, That the Duties imposed by this Act shall be ascertained, levied, and recovered for and upon all Goods so brought or imported in the same Manner, and by the same Means, and under the same Rules, Regulations, Restrictions, Penalties, and Forfeitures, as the Duties on the like Goods imported by Sea may and can be ascertained, levied, or recovered, as far as the same are applicable; and if any Goods shall be brought or imported contrary hereto, or if any Goods so brought or imported shall be removed from the Station or Place appointed for the Examination of such Goods by the Officers of the Customs before such Examination shall have been made, and before all Duties payable thereon shall have been paid or satisfied, such Goods shall be forfeited, together with the Vessel, Boat, or Carriage, and the Horses or other Cattle, in or by which such Goods shall have been so imported or brought or so removed.

Duties in Canada on American Boats to be the same as in America on British Boats.

XLVII. And be it enacted, That the same Tonnage Duties shall be paid upon all Vessels or Boats of the United States of *America* importing any Goods into either of the Provinces of *Upper* or *Lower Canada* as are or may be for the Time being payable in the United States of *America* on *British* Vessels or Boats entering the Harbours of the State from whence such Goods shall have been imported.

Ports herein mentioned to be free warehousing Ports.

XLVIII. And whereas it is expedient to constitute and appoint some of the Free Ports and other Ports in *America* to be free warehousing Ports, or to be warehousing Ports for all or any of the Goods which

which may be legally imported into the said Ports respectively, and it is also expedient to empower Her Majesty to constitute and appoint from Time to Time any other Ports in any of the said *British* Possessions in *America* to be in like Manner warehousing Ports for such Goods as may be legally imported into such Ports respectively; and it is therefore necessary to make Regulations for the appointing of proper Warehouses at such Ports, and for the lodging and securing of Goods therein; be it therefore enacted, That the several Ports herein-after mentioned, (that is to say,)

Kingstown, *Montego Bay*, *Falmouth*	*Jamaica*,
Bridgetown	*Barbadoes*,
St. John's	*Antigua*,
Plymouth	*Montserrat*,
Basseterre	*St. Kitts*,
Charlestown	*Nevis*,
Road Harbour	*Tortola*,
Castries	*St. Lucia*,
Roseau	*Dominica*,
Kingstown	*St. Vincent*,
St. George's	*Grenada*,
Port of Spain	*Trinidad*,
Scarborough	*Tobago*,
George Town, *New Amsterdam*	*Demerara*, *Berbice* — *British Guiana*,
Nassau, *Grand Key*	*New Providence*, *Turk's Island* — *Bahamas*,
Hamilton, *St. George's*	*Bermudas*,
Halifax, *Pictou*, *Liverpool*, *Yarmouth*, *Digby*, *Sydney* (*Cape Breton*), *Arichat*	*Nova Scotia*,
St. John's, *St. Andrew's*	*New Brunswick*,
Welchpool	*Campo Bello*,
Quebec	*Canada*,
St. John's, *Harbour Grâce*	*Newfoundland*,
Charlotte Town	*Prince Edward's Island*,

shall be FREE WAREHOUSING PORTS for all the Purposes of this Act; and that

Kingston, *Toronto*, *Hamilton*, and *Montreal*,	*in Canada*,

shall be WAREHOUSING PORTS for the warehousing of Goods brought by Land or Inland Navigation, or imported in *British* Ships; and that it shall

shall be lawful for the several Collectors and Comptrollers of the said Ports respectively, by Notice in Writing under their Hands, to appoint from Time to Time such Warehouses at such Ports respectively as shall be approved of by them for the free warehousing and securing of Goods therein for the Purposes of this Act, and also in such Notice to declare what Sorts of Goods may be so warehoused, and also by like Notice to revoke or alter any such Appointment or Declaration: Provided always, that every such Notice shall be transmitted to the Governor of the Place, and shall be published in such Manner as he shall direct.

Goods may be warehoused without Payment of Duty.

XLIX. And be it enacted, That it shall be lawful for the Importer of any such Goods into the said Ports to warehouse the same in the Warehouses so appointed without Payment of any Duty on the first Entry thereof, subject nevertheless to the Rules, Regulations, Restrictions, and Conditions herein-after contained.

Regulation as to warehousing of Goods on Arrival in Canada.

L. And be it enacted, That upon the Arrival of any Goods at any frontier Port in the *Canadas*, such Goods may be entered with the proper Officer of the Customs at such Port, to be warehoused at some warehousing Port in the *Canadas*, and may be delivered by such Officer to be passed on to such warehousing Port, under Bond, to the Satisfaction of such Officer, for the due Arrival and warehousing of such Goods at such Port.

Stowage of Goods in Warehouse.

Locking and opening Warehouse.

Carrying Goods to and from Warehouse.

LI. And be it enacted, That all Goods so warehoused shall be stowed in such Parts or Divisions of the Warehouse and in such Manner as the Collector and Comptroller shall direct, and that the Warehouse shall be locked and secured in such Manner, and shall be opened and visited only at such Times, and in the Presence of such Officers, and under such Rules and Regulations, as the Collector and Comptroller shall direct; and that all such Goods shall, after being landed upon Importation, be carried to the Warehouse, or shall, after being taken out of the Warehouse for Exportation, or for Stores, be carried to be shipped under such Rules and Regulations as the Collector and Comptroller shall direct.

Bond upon Entry of Goods to be warehoused.

LII. And be it enacted, That upon the Entry of any Goods to be warehoused, the Importer of such Goods, instead of paying down the Duties due thereon, shall give Bond with Two sufficient Sureties, to be approved of by the Collector or Comptroller, in Treble the Duties payable on such Goods, with Condition for the safe depositing of such Goods in the Warehouse mentioned in such Entry, and for the Payment of all Duties due upon such Goods, or for the Exportation thereof or Shipment thereof as Stores, according to the first Account taken of such Goods upon the landing of the same; and with further Condition, that no Part thereof shall be taken out of such Warehouse until cleared from thence upon due Entry and Payment of Duty, or upon due Entry for Exportation or for Shipment as Stores; and with further Condition, that the whole of such Goods shall be so cleared from such Warehouse, and the Duties, upon any Deficiency of the Quantity according to such first Account, shall be paid within Two

Purchaser of Goods may give Bond in lieu of original Bond.

Years from the Date of the first Entry thereof; and if after such Bond shall have been given the Goods or any Part thereof shall be sold or disposed of, so that the original Bonder shall be no longer interested in or have any Control over the same, it shall be lawful for the Collector and Comptroller to admit fresh Security to be given by the Bond of the new Proprietor or other Person having Control over such Goods, with his sufficient Sureties, and to cancel the Bond given by the original Bonder of such Goods, or to exonerate him to the Extent of the fresh Security so given.

Goods not duly warehoused, &c. to be forfeited.

LIII. And be it enacted, That if any Goods which have been entered to be warehoused shall not be duly carried into and deposited in the Warehouse, or shall afterwards be taken out of the Warehouse without due Entry and Clearance, or having been entered and cleared for Exportation, or for Shipment as Stores, from the Warehouse, shall not be duly carried and shipped, or shall afterwards be re-landed, except with the Permission of the proper Officer of the Customs, such Goods shall be forfeited.

Account of Goods to be taken on landing.

LIV. And be it enacted, That upon the Entry and landing of any Goods to be warehoused the proper Officer of the Customs shall take a particular Account of the same, and shall mark the Contents on each Package, and shall enter the same in a Book to be kept for

No Goods to be taken out without Entry.

that Purpose; and no Goods which have been so warehoused shall be taken or delivered from the Warehouse, except upon due Entry and under the Care of the proper Officers for Exportation, or for Stores, or upon due Entry and Payment of Duty for Home Use; and whenever the whole of the Goods warehoused under any Entry shall be cleared from the Warehouse, or whenever further Time shall be granted for any such Goods to remain warehoused, an Account shall

Deficiencies to be ascertained.

be made out of the Quantity upon which the Duties have been paid, and of the Quantity exported, and of the Quantity (to be then ascertained) of the Goods still remaining in the Warehouse, as the Case may be, deducting from the whole the Quantity contained in any whole Packages (if any) which may have been abandoned for

Duties to be paid upon Deficiencies.

Duties; and if upon such Account there shall in either Case appear to be any Deficiency of the original Quantity, the Duty payable upon the Amount of such Deficiency shall then be paid.

Samples may be taken.

LV. And be it enacted, That it shall be lawful for the Collector and Comptroller, under such Regulations as they shall see fit, to permit moderate Samples to be taken of any Goods so warehoused, without Entry, and without Payment of Duty, except as the same shall eventually become payable, as on a Deficiency of the original Quantity.

Goods may be sorted and re-packed.

LVI. And be it enacted, That it shall be lawful for the Collector and Comptroller, under such Regulations as they shall see fit, to permit the Proprietor or other Person having Control over the Goods so warehoused to sort, separate, and pack and re-pack any such Goods, and to make such lawful Alterations therein, or Arrangements and Assortments thereof, as may be necessary for the Preservation of such Goods, or in order to the Sale, Shipment, or legal Disposal of

the same, and also to permit any Parts of such Goods so separated to be destroyed, but without Prejudice to the Claim for Duty upon the whole original Quantity of such Goods: Provided always, that it shall be lawful for any Person to abandon any whole Packages to the Officers of the Customs for the Duties, without being liable to any Duty upon the same.

Duty due on first Quantity.

Whole Packages may be abandoned for Duty.

LVII. And be it enacted, That Goods warehoused at any warehousing Port in any of the *British* Possessions in *America*, being first duly entered, may be delivered, under the Authority of the proper Officer of Customs, without Payment of Duty, except any Deficiency thereof, for the Purpose of Removal to another warehousing Port in the same Possession, under Bond, to the Satisfaction of such Officer, for the due Arrival and re-warehousing such Goods at such other Port.

Goods warehoused may be delivered for Removal without Payment of Duty.

LVIII. And be it enacted, That all Goods which have been so warehoused or re-warehoused shall be duly cleared, either for Exportation or for Home Consumption, within Two Years from the Day of first Entry for the warehousing thereof; and if any such Goods be not so cleared it shall be lawful for the Collector and Comptroller to cause the same to be sold, and the Produce shall be applied first to the Payment of the Duties, next of Warehouse Rent and other Charges, and the Overplus (if any) shall be paid to the Proprietor: Provided always, that it shall be lawful for the Collector and Comptroller to grant further Time for any such Goods to remain warehoused, if they shall see fit so to do: Provided also, that Foreign salted Beef or Pork so warehoused or re-warehoused may be delivered into the Charge of a Searcher or other proper Officer of Customs to be shipped as Stores; and such Beef and Pork shall and may be so shipped without Entry or Payment of any Duty for every Ship of the Burden of Sixty Tons at least bound upon a Voyage to Foreign Parts, the probable Duration of which, out and home, will not be less than Forty Days, and such Foreign Beef or Pork so shipped shall be deemed to be exported: Provided also, that such Foreign Beef and Pork shall be duly borne upon the Ship's Clearance, and shall be shipped in such Quantities, and subject to such Directions and Regulations, as the Collector or other Chief Officer of Customs at the Port of Shipment shall appoint: Provided also, that the surplus Stores of such Foreign Beef or Pork may be delivered into the Charge of the Searcher or other proper Officer of Customs to be re-shipped as Stores, under such Directions and Regulations as the Collector or other Chief Officer of Customs shall appoint; and any such Beef or Pork shipped as Stores contrary to such Directions and Regulations shall be forfeited.

All Goods to be cleared within Two Years, or sold.

Further Time may be granted.

Foreign salted Beef or Pork may be shipped as Stores.

Surplus of such Stores may be delivered into charge of Searcher to be re-shipped.

LIX. And be it enacted, That upon the Entry Outwards of any Goods to be exported from the Warehouse, the Person entering the same shall give Security by Bond in Treble the Duties of Importation on the Quantity of such Goods, or if such Goods are prohibited to be imported for Home Use, in Double the Value of such Goods, with Two sufficient Sureties, to be approved by the Collector or Comptroller, that the same shall be landed at the Place for which they

Bond on Entry for Exportation.

they be entered Outwards, or be otherwise accounted for to the Satisfaction of the Collector and Comptroller.

Power to appoint other Ports.

LX. And be it enacted, That it shall be lawful for Her Majesty, by Order in Council, from Time to Time to appoint any Port in Her Majesty's Possessions in *America* to be a free warehousing Port for all or any of the Purposes of this Act; and every such Port so appointed by Her Majesty shall be, for all the Purposes expressed in such Order, a free warehousing Port under this Act, as if appointed by the same.

Goods from Mauritius liable to same Duties and Regulations as West India Goods.

LXI. And whereas it is expedient that all Duties and Regulations relating to Importation and Exportation into and from Her Majesty's Islands in the *West Indies* should be extended to the Island of *Mauritius*; be it therefore enacted, That all Goods, Wares, and Merchandize, the Growth, Produce, or Manufacture of the Island of *Mauritius*, and all Goods, Wares, and Merchandize which, having been imported into the said Island of *Mauritius*, shall be imported from thence into any Part of the United Kingdom of *Great Britain* and *Ireland*, or into any Possessions of Her Majesty, Her Heirs or Successors, shall be liable, upon such Importation into the United Kingdom, or into any such Possessions respectively, to the Payment of the same Duties, and shall be subject to the same Regulations, as the like Goods, Wares, and Merchandize, being of the Growth, Produce, or Manufacture of Her Majesty's Islands in the *West Indies*, or having been imported into or exported from any of the said Islands, and imported from the same into the said United Kingdom, or into any such Possessions respectively, would on such Importation be liable to the Payment of or would be subject unto; and that upon the Exportation of any Goods, Wares, or Merchandize from the United Kingdom to the Island of *Mauritius* such Goods, Wares, or Merchandize shall be liable to the same Duties, and shall be entitled to the like Drawbacks respectively, as would or ought by Law to be charged or allowed upon the like Goods from the United Kingdom to any of Her Majesty's Islands in the *West Indies*; and that all Goods, Wares, and Merchandize which shall be imported into or exported from the said Island of *Mauritius* from or to any Place whatever other than the United Kingdom shall, upon such Importation or Exportation respectively, be liable to the Payment of the same Duties, and shall be subject to the same Regulations, so far as any such Regulations can or may be applied, as the like Goods, Wares, and Merchandize would be liable to the Payment of or would be subject to upon Importation into or Exportation from any of Her Majesty's Islands in the *West Indies*; and that all Ships and Vessels whatever which shall arrive at or depart from the said Island of *Mauritius* shall be liable to the Payment of the same Duties, and shall be subject to the same Regulations, as such Ships or Vessels would be liable to the Payment of or would be subject to if arriving at or departing from any of Her Majesty's Islands in the *West Indies*.

Cape of Good Hope within Limits

LXII. And be it enacted, That in all Trade with the *British* Possessions in *America* and the *Mauritius*, the *Cape of Good Hope*, and

and the Territories and Dependencies thereof, shall be deemed to be within the Limits of the *East India* Company's Charter. of the Company's Charter.

LXIII. And be it enacted, That all Laws, Bye Laws, Usages, or Customs at this Time or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the *British* Possessions in *America*, which are in anywise repugnant to this Act, or to any Act of Parliament made or hereafter to be made in the United Kingdom, so far as such Act shall relate to and mention the said Possessions, are and shall be null and void to all Intents and Purposes whatsoever. Colonial Laws repugnant to any Act of Parliament to be null and void.

LXIV. Provided always, and be it enacted, That no Exemption from Duty in any of the *British* Possessions abroad, contained in any Act of Parliament, shall extend to any Duty not imposed by Act of Parliament, unless and so far only as any Duty not so imposed is or shall be expressly mentioned in such Exemption. Exemption to extend only to Duties by Act of Parliament.

LXV. And be it enacted, That it shall be lawful for the Officers of Customs to go on board any Ship in any Port in any *British* Possession in *America*, and to rummage and search all Parts of such Ship for prohibited and uncustomed Goods, and also to go on board any Ship hovering within One League of any of the Coasts thereof, and in either Case freely to stay on board such Ship so long as she shall remain in such Port or within such Distance; and if any such Ship be bound elsewhere, and shall continue so hovering for the Space of Twenty-four Hours after the Master shall have been required to depart, it shall be lawful for the Officer of Customs to bring such Ship into Port, and to search and examine her Cargo, and to examine the Master on Oath touching the Cargo and Voyage; and if there be any Goods on board prohibited to be imported into such Possession, such Ship and her Cargo shall be forfeited; and if the Master shall not truly answer the Questions which shall be demanded of him on such Examination he shall forfeit the Sum of One hundred Pounds. Officers may board Ships in Port or hovering on Coasts.

LXVI. And be it enacted, That all Vessels, Boats, Carriages, and Cattle made use of in the Removal of any Goods liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, shall be forfeited; and every Person who shall assist or be otherwise concerned in the unshipping, landing, or Removal, or in the harbouring, of such Goods, or into whose Hands or Possession the same shall knowingly come, shall forfeit the Treble Value thereof, or the Penalty of One hundred Pounds, at the Election of the Officers of the Customs; and the Averment in any Information or Libel to be exhibited for the Recovery of such Penalty, that the Officer proceeding has elected to sue for the Sum mentioned in the Information, shall be deemed sufficient Proof of such Election, without any other or further Evidence of such Fact. Forfeiture of Vessels, Carriages, &c. receiving Goods liable to Forfeiture.

LXVII. And be it enacted, That all Goods, and all Ships, Vessels, and Boats, and all Carriages, and all Cattle, liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, shall and may be seized and secured by any Officer of the Customs or Navy, Goods, Vessels, &c. liable to Forfeiture may be seized by Officers.

Navy, or by any Person employed for that Purpose, by or with the Concurrence of the Commissioners of Her Majesty's Customs; and every Person who shall in any way hinder, oppose, molest, or obstruct any Officer of the Customs or Navy, or any Person so employed as aforesaid, in the Exercise of his Office, or any Person acting in his Aid or Assistance, shall for every such Offence forfeit the Sum of Two hundred Pounds.

Officer making collusive Seizures, or taking Bribes, and Persons giving Bribes, subjected to Penalties.

LXVIII. And be it enacted, That if any Officer of Customs, or any Person duly employed for the Prevention of Smuggling, shall make any collusive Seizure, or deliver up, or make any Agreement to deliver up, or not to seize, any Vessel, Boat, or Goods liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, or shall take any Bribe, Gratuity, Recompence, or Reward for the Neglect or Nonperformance of his Duty, every such Officer or other Person shall forfeit for every such Offence the Sum of Five hundred Pounds, and be rendered incapable of serving Her Majesty in any Office whatever; and every Person who shall give or offer, or promise to give or procure to be given, any Bribe, Recompence, or Reward to, or shall make any collusive Agreement with, any such Officer or Person as aforesaid in any of Her Majesty's Possessions abroad, to induce him in any way to neglect his Duty, or to do, conceal, or connive at any thing whereby the Provisions of any such Act may be evaded, shall forfeit the Sum of Two hundred Pounds.

Seized Goods, if unclaimed for a Month, to be condemned and dealt with accordingly.

LXIX. And be it enacted, That all Vessels, Boats, Goods, and other Things which shall have been or shall hereafter be seized as forfeited in or near any of the *British* Possessions abroad, under this or any Act relating to the Customs, or to Trade or Navigation, shall be deemed and taken to be condemned, and may be dealt with in the Manner directed by Law in respect to Vessels, Boats, Goods, and other Things seized and condemned for Breach of any such Act, unless the Person from whom such Vessels, Boats, Goods, and other Things shall have been seized, or the Owner of them, or some Person authorized by him, shall, within One Calendar Month from the Day of seizing the same, give Notice in Writing to the Person or Persons seizing the same, or to the Collector, Comptroller, or other Chief Officer of Customs at the nearest Port, that he claims the Vessel, Boat, Goods, or other Things, or intends to claim them.

Writ of Assistance to search for and seize Goods liable to Forfeiture.

LXX. And be it enacted, That, under the Authority of a Writ of Assistance granted by the Superior or Supreme Court of Justice or Court of Vice Admiralty having Jurisdiction in the Place (who are hereby authorized and required to grant such Writ of Assistance, upon Application made to them for that Purpose by the principal Officers of Her Majesty's Customs), it shall be lawful for any Officer of the Customs, taking with him a Peace Officer, to enter any Building or other Place in the Daytime, and to search for and seize and secure any Goods liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, and, in case of Necessity, to break open any Doors and any Chests or other Packages

for that Purpose; and such Writ of Assistance, when issued, shall be deemed to be in force during the whole of the Reign in which the same shall have been granted, and for Twelve Months from the Conclusion of such Reign.

Obstructing Officers by Force.

LXXI. And be it enacted, That if any Person shall, by Force or Violence, assault, resist, oppose, molest, hinder, or obstruct any Officer of the Customs or Navy, or other Person employed as aforesaid, in the Exercise of his Office, or any Person acting in his Aid or Assistance, such Person being thereof convicted shall be adjudged a Felon, and shall be proceeded against as such, and punished at the Discretion of the Court before whom such Person shall be tried.

Goods seized to be secured at the next Custom House, and sold by Auction.

LXXII. And be it enacted, That all Things which shall be seized as being liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, shall be taken forthwith and delivered into the Custody of the Collector and Comptroller of the Customs at the Custom House next to the Place where the same were seized, who shall secure the same by such Means and in such Manner as shall be provided and directed by the Commissioners of Her Majesty's Customs, and after Condemnation thereof the Collector and Comptroller shall cause the same to be sold by public Auction to the best Bidder: Provided always, that it shall be lawful for the said Commissioners to direct in what Manner the Produce of such Sale shall be applied, or, in lieu of such Sale, to direct that any of such Things shall be destroyed, or shall be reserved for the public Service.

Jurisdiction for Prosecution of Seizures and Penalties.

LXXIII. And be it enacted, That all Penalties and Forfeitures which may have been heretofore or may be hereafter incurred under this or any Act relating to the Customs, or to Trade or Navigation, shall and may be prosecuted, sued for, and recovered in any Court of Record or of Vice Admiralty having Jurisdiction in the Colony or Plantation where the Cause of Prosecution arises, and in Cases where there shall happen to be no such Court, then in any Court of Record or of Vice Admiralty having Jurisdiction in some *British* Colony or Plantation near to that where the Cause of Prosecution arises; provided that in Cases where a Seizure is made in any other Colony than that where the Forfeiture accrues, such Seizure may be prosecuted in any Court of Record or of Vice Admiralty having Jurisdiction either in the Colony or Plantation where the Forfeiture accrues, or in the Colony or Plantation where the Seizure is made, at the Election of the Seizor or Prosecutor; and in Cases where there shall happen to be no such Courts in either of the last-mentioned Colonies or Plantations, then in the Court of Record or of Vice Admiralty having Jurisdiction in some *British* Colony or Plantation near to that where the Forfeiture accrues, or to that where the Seizure is made, at the Election of the Seizor or Prosecutor.

Bail may be given for Goods or Ships seized.

LXXIV. And be it enacted, That if any Goods or any Ship or Vessel shall be seized as forfeited under this or any Act relating to the Customs, or to Trade or Navigation, and detained in any

of

of the *British* Possessions in *America*, it shall be lawful for the Judge or Judges of any Court having Jurisdiction to try and determine such Seizures, with the Consent of the Collector and Comptroller of the Customs, to order the Delivery thereof on Security by Bond, with Two sufficient Sureties, to be first approved by such Collector and Comptroller, to answer Double the Value of the same in case of Condemnation; and such Bond shall be taken to the Use of Her Majesty in the Name of the Collector or Officer of the Customs in whose Custody the Goods or the Ship or Vessel may be lodged, and such Bond shall be delivered and kept in the Custody of such Collector or Officer; and in case the Goods or the Ship or Vessel shall be condemned, the Value thereof shall be paid into the Hands of such Collector or Officer, who shall thereupon, with the Consent or Privity of his Comptroller, cancel such Bond.

Suits to be commenced in Name of Officers of Customs or Navy.

LXXV. And be it enacted, That no Suit shall be commenced for the Recovery of any Penalty or Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, except in the Name of some Superior Officer of the Customs or Navy, or other Person employed as herein-before mentioned, or of Her Majesty's Advocate or Attorney General for the Place where such Suit shall be commenced; and if a Question shall arise, whether any Person is an Officer of the Customs or Navy, or such other Person as aforesaid, *viva voce* Evidence may be given of such Fact, and shall be deemed legal and sufficient Evidence.

Onus probandi to lie on the Party.

LXXVI. And be it enacted, That if any Goods shall be seized for Nonpayment of Duties, or any other Cause of Forfeiture, and any Dispute shall arise whether the Duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the Proof thereof shall lie on the Owner or Claimer of such Goods, and not on the Officer who shall seize or stop the same.

Claim to Things seized to be entered in the Name of the Owner.

LXXVII. And be it enacted, That no Claim to any thing seized under this or any Act relating to the Customs, or to Trade or Navigation, and returned into any of Her Majesty's Courts for Adjudication, shall be admitted, unless such Claim be entered in the Name of the Owner, with his Residence and Occupation, nor unless Oath to the Property in such Thing be made by the Owner, or by his Attorney or Agent by whom such Claim shall be entered, to the best of his Knowledge and Belief; and every Person making a false Oath thereto shall be deemed guilty of a Misdemeanor, and shall be liable to the Pains and Penalties to which Persons are liable for a Misdemeanor.

No Person admitted to enter Claim for any thing seized, unless Security first given.

LXXVIII. And be it enacted, That no Person shall be admitted to enter a Claim to any thing seized in pursuance of this or any Act relating to the Customs, or to Trade or Navigation, and prosecuted in any of the *British* Possessions in *America*, until sufficient Security shall have been given in the Court where such Seizure is prosecuted, in a Penalty not exceeding Sixty Pounds, to answer and pay the Costs

Costs occasioned by such Claim; and in default of giving such Security such Things shall be adjudged to be forfeited, and shall be condemned.

A Month's Notice to be given to Officers.

LXXIX. And be it enacted, That no Writ shall be sued out against, nor a Copy of any Process served upon, any Officer of the Customs or Navy, or other Person as aforesaid, for any thing done in the Exercise of his Office, until One Calendar Month after Notice in Writing shall have been delivered to him, or left at his usual Place of Abode, by the Attorney or Agent of the Party who intends to sue out such Writ or Process, in which Notice shall be clearly and explicitly contained the Cause of the Action, the Name and Place of Abode of the Person who is to bring such Action, and the Name and Place of Abode of the Attorney or Agent; and no Evidence of the Cause of such Action shall be produced, except of such as shall be contained in such Notice; and no Verdict shall be given for the Plaintiff unless he shall prove on the Trial that such Notice was given; and in default of such Proof the Defendant shall receive in such Action a Verdict and Costs.

Actions to be brought within Three Months of the Cause of them.

LXXX. And be it enacted, That every such Action shall be brought within Three Calendar Months after the Cause thereof, and shall be laid and tried in the Place or District where the Facts were committed; and the Defendant may plead the General Issue and give the special Matter in Evidence; and if the Plaintiff shall become nonsuited, or shall discontinue the Action, or if upon a Verdict or Demurrer Judgment shall be given against the Plaintiff, the Defendant shall receive Treble Costs, and have such Remedy for the same as any Defendant can have in other Cases where Costs are given by Law.

Judge may certify probable Cause of Seizure.

LXXXI. And be it enacted, That in case any Information or Suit shall be brought to Trial on account of any Seizure made under this or any Act relating to the Customs, or to Trade or Navigation, and a Verdict shall be found for the Claimant thereof, and the Judge or Court before whom the Cause shall have been tried shall certify on the Record that there was probable Cause of Seizure, the Claimant shall not be entitled to any Costs of Suit, nor shall the Person who made such Seizure be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and if any Action, Indictment, or other Suit or Prosecution shall be brought to Trial against any Person on account of such Seizure, wherein a Verdict shall be given against the Defendant, the Plaintiff, besides the Things seized, or the Value thereof, shall not be entitled to more than Two-pence Damages, nor to any Costs of Suit, nor shall the Defendant in such Prosecution be fined more than One Shilling.

Officer may tender Amends.

LXXXII. And be it enacted, That it shall be lawful for such Officer, within One Calendar Month after such Notice, to tender Amends to the Party complaining, or his Agent, and to plead such Tender in bar to any Action, together with other Pleas; and if the Jury shall find the Amends sufficient, they shall give a Verdict for the Defendant; and in such Case, or in case the Plaintiff shall become non-

suited, or shall discontinue his Action, or Judgment shall be given for the Defendant upon Demurrer, then such Defendant shall be entitled to the like Costs as he would have been entitled to in case he had pleaded the General Issue only: Provided always, that it shall be lawful for such Defendant, by Leave of the Court where such Action shall be brought, at any Time before Issue joined, to pay Money into Court as in other Actions.

Judge may certify probable Cause of Action.

LXXXIII. And be it enacted, That in any such Action, if the Judge or Court before whom such Action shall be tried shall certify upon the Record that the Defendant or Defendants in such Action acted upon probable Cause, then the Plaintiff in such Action shall not be entitled to more than Two-pence Damages, nor to any Costs of Suit.

Recovery and Application of Penalties.

LXXXIV. And be it enacted, That all Penalties and Forfeitures recovered in any of the *British* Possessions in *America* under this or any Act relating to the Customs, or to Trade or Navigation, shall be paid into the Hands of the Collector or Comptroller of the Port or Place of the *British* Possessions in *America* where the same shall have been recovered, and shall be divided, paid, and applied as follows; (that is to say,) after deducting the Charges of Prosecution from the Produce thereof, One Third Part of the net Produce shall be paid into the Hands of the Collector of Her Majesty's Customs at the Port or Place where such Penalties or Forfeitures shall be recovered for the Use of Her Majesty, One Third Part to the Governor or Commander-in-Chief of the said Colony or Plantation, and the other Third Part to the Person who shall seize, inform, and sue for the same; excepting such Seizures as shall be made at Sea by the Commanders or Officers of Her Majesty's Ships of War duly authorized to make Seizures, one Moiety of which Seizure, and of the Penalties and Forfeitures recovered thereon, first deducting the Charges of Prosecution from the gross Produce thereof, shall be paid as aforesaid to the Collector of Her Majesty's Customs, to and for the Use of Her Majesty, and the other Moiety to him or them who shall seize, inform, and sue for the same, any Law, Custom, or Usage to the contrary notwithstanding, subject nevertheless to such Distribution of the Produce of the Seizures so made at Sea, as well with regard to the Moiety herein-before granted to Her Majesty as with regard to the other Moiety given to the Seizor or Prosecutor, as Her Majesty shall think fit to order and direct by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that Purpose.

Limitation of Suits.

LXXXV. And be it enacted, That all Actions or Suits for the Recovery of any of the Penalties or Forfeitures imposed by this or any Act relating to the Customs, or to Trade or Navigation, may be commenced or prosecuted at any Time within Three Years after the Offence committed by reason whereof such Penalty or Forfeiture shall be incurred, any Law, Usage, or Custom to the contrary notwithstanding.

LXXXVI. And

Limitation of Appeals.

LXXXVI. And be it enacted, That no Appeal shall be prosecuted from any Decree or Sentence of any of Her Majesty's Courts in *America* touching any Penalty or Forfeiture imposed by this or any Act relating to the Customs, or to Trade or Navigation, unless the Inhibition shall be applied for and decreed within Twelve Months from the Time when such Decree or Sentence was pronounced.

Security to abide an Appeal from Decree of Vice Admiralty Court.

LXXXVII. Provided always, and be it enacted, That in any Case in which Proceedings shall have been or shall hereafter be instituted in any Court of Vice Admiralty or other competent Court in any of Her Majesty's Possessions abroad against any Ship, Vessel, Boat, Goods, or Effects for the Recovery of any Penalty or Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, the Execution of any Sentence or Decree restoring such Ship, Vessel, Boat, Goods, or Effects to the Claimant thereof, which shall be pronounced by the said Vice Admiralty Court in which such Proceedings shall have been had, shall not be suspended by reason of any Appeal which shall be prayed and allowed from such Sentence; provided that the Party or Parties appellate shall give sufficient Security, to be approved of by the Court, to render and deliver the Ship, Vessel, Boat, Goods, or Effects concerning which such Sentence or Decree shall be pronounced, or the full Value thereof, to be ascertained either by Agreement between the Parties, or in case the said Parties cannot agree, then by Appraisement under the Authority of the said Court, to the Appellant or Appellants, in case the Sentence or Decree so appealed from shall be reversed, and such Ship, Vessel, Boat, Goods, or Effects be ultimately condemned.

Persons authorized to make Seizures under 5 G. 4. c. 119. to have the Benefit of this Act.

LXXXVIII. And be it enacted, That all Persons authorized to make Seizures under an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, shall, in making and prosecuting any such Seizures, have the Benefit of all the Provisions granted to Persons authorized to make Seizures under this Act.

Application of Penalties under 5 G. 4. c. 119.

LXXXIX. And be it enacted, That all Penalties and Forfeitures created by the said Act passed in the Fifth Year of His Majesty King *George* the Fourth, whether pecuniary or specific, shall (except in Cases specially provided for by the said Act) go and belong to such Persons as are authorized by that Act to make Seizures in such Shares, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied, in such and the like Manner, and by the same Ways and Means, and subject to the same Rules and Directions, as any Penalties and Forfeitures incurred in *Great Britain* and in the *British* Possessions in *America* respectively now go and belong to, and may be sued, prosecuted, tried, recovered, and distributed respectively in *Great Britain* or in the said Possessions under and by virtue of this Act.

The Queen may regulate the Trade of certain Colonies.

XC. And be it enacted, That it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, by any Order or Orders in Council to be issued from Time to Time, to give such Directions

Directions and make such Regulations touching the Trade and Commerce to and from any *British* Possessions on or near the Continent of *Europe*, or within the *Mediterranean Sea*, or in *Africa*, or within the Limits of the *East India* Company's Charter (excepting the Possessions of the said Company), as to Her Majesty in Council shall appear most expedient and salutary, any thing in this Act to the contrary notwithstanding; and if any Goods shall be imported or exported in any Manner contrary to any such Order of Her Majesty in Council, the same shall be forfeited, together with the Ship importing or exporting the same.

Certificate of Production of East India Sugar.

XCI. And be it enacted, That it shall be lawful for any Person, being the Shipper of any Sugar the Produce of some *British* Possession within the Limits of the *East India* Company's Charter, about to be exported from any Place in such Possession, to go before the Collector or Comptroller or other Chief Officer of the Customs at such Place, or, if there be no such Officer of the Customs, to go before the principal Officer of such Place, or the Judge or Commercial Resident of the District, and make and sign a Declaration before him that such Sugar was really and *bonâ fide* the Produce of such *British* Possession, to the best of his Knowledge and Belief; and such Officer, Judge, or Resident is hereby authorized and required to grant a Certificate thereof, setting forth in such Certificate the Name of the Ship in which the Sugar is to be exported, and the Destination of the same.

Ships built prior to 1st January 1816 deemed British Ships within certain Limits.

XCII. And be it enacted, That all Ships built at any Place within the Limits of the *East India* Company's Charter prior to the First Day of *January* One thousand eight hundred and sixteen, and which then were and have continued ever since to be solely the Property of Her Majesty's Subjects, shall be deemed to be *British* Ships for all the Purposes of Trade within the said Limits, including the *Cape of Good Hope*, any thing in this Act or in any other Act or Acts passed in this present Session of Parliament to the contrary notwithstanding.

Certificate of Production of Cape Wine.

XCIII. And be it enacted, That it shall be lawful for the Shipper of any Wine the Produce of the *Cape of Good Hope* or of its Dependencies which is to be exported from thence, to go before the Chief Officer of the Customs, and make and sign a Declaration before him that such Wine was really and *bonâ fide* the Produce of the *Cape of Good Hope* or of its Dependencies; and such Officer is hereby authorized and required to grant a Certificate thereof, setting forth in such Certificate the Name of the Ship in which the Wine is to be exported, and the Destination of the same.

Certificate of Production of Goods in Guernsey, &c.

XCIV. And be it enacted, That it shall be lawful for any Person who is about to export from any of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark* to the United Kingdom, or to any of the *British* Possessions in *America* or the *Mauritius*, any Goods of the Growth or Produce of any of those Islands, or any Goods manufactured from Materials which were the Growth or Produce thereof, or of the United Kingdom, or of Materials Duty-free in the United Kingdom,

or whereupon the Duty has been there paid, and not drawn back, to go before any Magistrate of the Island from which the Goods are to be exported, and make and sign before him a Declaration that such Goods, describing the same, are of such Growth or Produce, or of such Manufacture, and such Magistrate shall administer and sign such Declaration; and thereupon the Governor, Lieutenant Governor, or Commander in Chief of the Island from which the Goods are to be exported shall, upon the Delivery to him of such Declaration, grant a Certificate under his Hand of the Proof contained in such Declaration, stating the Ship in which and the Port to which, in the United Kingdom or in any such Possession, the Goods are to be exported; and such Certificate shall be the proper Document to be produced at such Ports respectively in proof that the Goods mentioned therein are of the Growth, Produce, or Manufacture of such Islands respectively.

Spirits not to be imported into or exported from Jersey, Guernsey, Alderney, or Sark, except in Vessels of Sixty Tons and in Casks of Twenty Gallons at the least.

XCV. And be it enacted, That no Brandy, Geneva, or other Spirits (except Rum of the *British* Plantations) shall be imported into or exported from the Islands of *Jersey*, *Guernsey*, *Alderney*, or *Sark*, or any one of them, or be removed from any one to any other of the said Islands, or be carried Coastwise from any one Part to any other Part of any one of the said Islands, or shall be shipped in order to be so removed or carried, or shall be waterborne for the Purpose of being so shipped in any Vessel of less Burden than Sixty Tons, nor in any Cask or other Vessel capable of containing Liquids not being of the Size or Content of Twenty Gallons at the least; and that all Brandy, Geneva, or other Spirits imported, exported, removed, carried, shipped, or waterborne contrary hereto shall be forfeited, together with the Vessel or Boat importing, exporting, removing, or carrying the same, and all the Guns, Furniture, Ammunition, Tackle, and Apparel thereof: Provided always, that nothing herein contained shall extend to any Spirits imported in Glass Bottles in square-rigged Ships as Part of the Cargo thereof, nor to any Spirits being really intended for the Consumption of the Seamen and Passengers during their Voyage, and not being more in Quantity than is necessary for that Purpose.

Not to extend to Vessels of Ten Tons supplying Island of Sark, having Licence so to do.

XCVI. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend to subject to Forfeiture or Seizure, under any of the Provisions of this Act, any Boat not exceeding the Burden of Ten Tons for having on board at any one Time any Foreign Spirits of the Quantity of Ten Gallons or under, such Boat having a Licence from the proper Officer of Customs at either of the Islands of *Guernsey* or *Jersey* for the Purpose of being employed in carrying Commodities for the Supply of the said Island of *Sark*, which Licence such Officer of Customs is hereby required to grant, without taking any Fee or Reward for the same: Provided also, that every such Boat having on board at any one Time any greater Quantity of Spirits than Ten Gallons, unless such greater Quantity of Spirits shall be in Casks or Packages of the Size and Content herein-before required, shall be forfeited.

Penalty on Persons found on board Vessels liable to Forfeiture within One League of Guernsey, &c.

XCVII. And be it enacted, That every Person who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture under any Act relating to the Revenue of Customs, for being found within One League of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, having on board or in any Manner attached or affixed thereto, or conveying or having conveyed in any Manner such Goods or other Things as subject such Vessel or Boat to Forfeiture, or who shall be found or discovered to have been on board any Vessel or Boat from which any Part of the Cargo shall have been thrown overboard during Chase, or staved or destroyed, shall forfeit the Sum of One hundred Pounds.

Re-exportation of British Coals in Foreign Ships.

XCVIII. And be it enacted, That it shall not be lawful for any Person to re-export from any of Her Majesty's Possessions abroad to any Foreign Place in any Foreign Ship any Coals the Produce of the United Kingdom, except upon Payment of the Duty to which such Coals would be liable upon Exportation from the United Kingdom to such Foreign Place; and that no such Coals shall be so shipped at any of such Possessions to be exported to any *British* Place until the Exporter or the Master of the exporting Vessel shall have given Bond, with One sufficient Surety, in Double the Value of the Coals, that such Coals shall not be landed at any Foreign Place.

Penalty for using Documents counterfeited or falsified.

XCIX. And be it enacted, That if any Person shall, in any of Her Majesty's Possessions abroad, counterfeit or falsify, or wilfully use when counterfeited or falsified, any Entry, Warrant, Cocket, Transire, or other Document for the unlading, lading, entering, reporting, or clearing any Ship or Vessel, or for the landing, shipping, or removing of any Goods, Stores, Baggage, or Article whatever, or shall by any false Statement procure any Writing or Document to be made for any such Purposes, or shall falsely make any Oath or Affirmation required by this Act, or shall forge or counterfeit a Certificate of the said Oath or Affirmation, or shall publish such Certificate knowing the same to be so forged or counterfeited, every Person so offending shall for every such Offence forfeit the Sum of Two hundred Pounds; and such Penalty shall and may be prosecuted, sued for, and recovered in like Manner and by such Ways and Means as any Penalty may be prosecuted, sued for, and recovered under the Provisions and Directions of this Act.

2 & 3 W. 4. c. 78. not repealed by any Act passed in Third and Fourth Years of King William the Fourth.

C. And whereas by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King *William* the Fourth, intituled *An Act to continue certain Acts relating to the Island of* Newfoundland, *and to provide for the Appropriation of all Duties which may hereafter be raised within the said Island*, Provision was made for the Appropriation of the net Produce of all Duties levied within the said Colony by any Act of Parliament then or thereafter to be in force there, and for the Deduction from and out of such net Proceeds in each and every Year of a Sum not exceeding Six thousand five hundred and fifty Pounds, to be applied in the Manner, for the Purposes, and under the Authority therein mentioned: And whereas

Doubts may arise whether the Provisions aforesaid, or some of them, were not repealed or abrogated by some or one of the Acts passed in a Session of Parliament holden in the Third and Fourth Years of the Reign of His said Majesty King *William* the Fourth; for the Removal of such Doubts be it therefore declared and enacted, That nothing contained in any Act passed in that Session of Parliament, or in the present Session of Parliament, did or doth repeal, abrogate, annul, or alter the said recited Act, or any Part thereof, or any of the Provisions therein contained; but that from and out of the net Proceeds of all Duties levied from Year to Year within the said Colony of *Newfoundland* by any Act of the said last-mentioned Session of Parliament, or any Act thereafter passed or to be passed, such Deduction shall be annually made as in the said recited Act is mentioned; and that the Sum of Money so from Year to Year to be deducted shall be applied from Time to Time in such Manner, and for such Purposes, and under such Authority as in the said recited Act is particularly mentioned and set forth.

CI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Alteration of Act.

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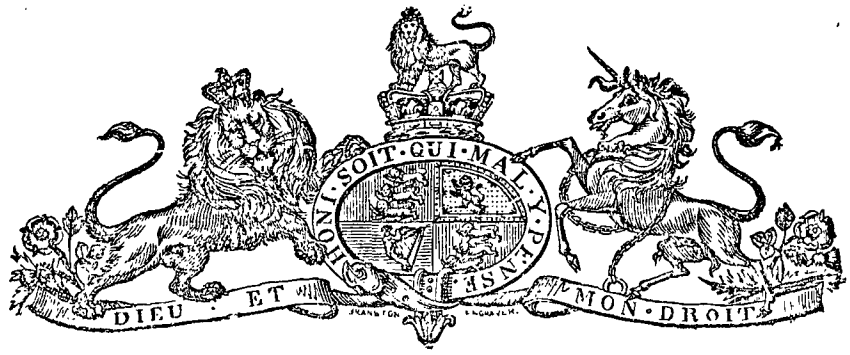

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XCIV.

An Act for the regulating the Trade of the *Isle of Man*. [4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for regulating the Trade of the* Isle of Man, whereby the Laws of Customs in relation to the Trade of the *Isle of Man* were consolidated: And whereas since the passing of the said Act divers Acts and Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Acts and Parts of Acts should be consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Effect for all the Purposes therein mentioned, except where any other Commencement is herein particularly directed. 3&4W.4. c.60.

Commencement of Act.

II. And be it enacted, That in lieu of all Duties of Customs (except the Duties of Customs on Corn, Grain, Meal, or Flour,) now payable

Duties in Table to be levied on Goods imported into the Isle of

Man, except on Corn, Grain, Meal, or Flour.

payable by Law upon the Importation of Goods, Wares, or Merchandize into the *Isle of Man* there shall be raised, levied, collected, or paid unto Her Majesty, Her Heirs and Successors, the several Duties of Customs as the same are respectively set forth in Figures in the Table herein-after contained, denominated Table of Duties, upon the Importation or bringing into the *Isle of Man* of the several Goods, Wares, or Merchandize in the said Table mentioned, according to the Quantity or Value thereof specified in the said Table, and so in proportion for any greater or less Quantity or Value of the same; (that is to say,)

TABLE OF DUTIES.

A TABLE of the DUTIES of CUSTOMS payable on GOODS, WARES, and MERCHANDIZE imported or brought into the ISLE OF MAN.

	£	s.	d.
Coals from the United Kingdom	Free.		
Coffee, the Import Duties in the United Kingdom not having been there paid thereon - - per lb.	0	0	2
Hemp	Free.		
Hops from the United Kingdom	Free.		
Iron	Free.		
Spirits; videlicet, Brandy, Foreign - - the Gallon	0	4	6
Geneva, Foreign - - the Gallon	0	2	6
Rum of the British Possessions - the Gallon	0	1	6
Such Spirits not exceeding the Strength of Proof by Sykes's Hydrometer, and so, in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon.			
Sugar, Muscovado, of the British Possessions, and such other Sugar as if entered for Consumption in the United Kingdom would be subject, under any Act of the present Session of Parliament, to a Duty less than Sixty-three Shillings the Cwt. - - the Cwt.	0	1	0
Sugar, refined in the United Kingdom from raw Sugar whereupon the Import Duties have there been paid - - - - the Cwt.	0	9	0
Tea; videlicet,			
Bohea - - - - the lb.	0	1	0
Green - - - - the lb.	0	1	0
Tobacco - - - - the lb.	0	1	6
Segars - - - - the lb.	0	8	0
Wine - - - the Tun of 252 Gallons	12	0	0
Wood, Foreign; videlicet,			
Timber Eight Inches square and upwards, per Load of Fifty Cubic Feet - - - -	0	8	0
Timber and Wood Goods, the Produce of the British Possessions - - - -	Free.		
Eau de Cologne, per Flask (so not containing more than One Gallon) - - - -	0	0	4
Or per Gallon - - - -	0	10	0
Liqueurs - - - - per Gallon	0	10	0

Goods,

	£ s. d.
Goods, Wares, and Merchandize brought from the United Kingdom, and entitled to any Bounty or Drawback of Excise on Exportation from thence, and not herein-before enumerated or charged with Duty -	Free.
Goods, Wares, and Merchandize the Growth, Produce, or Manufacture of and brought from the United Kingdom, and not herein-before charged with Duty -	Free.
Goods, Wares, and Merchandize, not the Growth, Produce, or Manufacture of the United Kingdom, but brought from thence, and having there been entered for Consumption, and the Import Duties having been there paid thereon - - - - - - -	Free.
Goods, Wares, and Merchandize imported or brought from any Place from whence such Goods may be lawfully imported into the Isle of Man, and not herein-before charged with Duty, or declared to be free of Duty, for every One hundred Pounds of the Value thereof - - - - - - -	15 0 0

Power to the Lords of the Treasury to remit and to re-impose the Duties levied on unenumerated Articles.

III. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them from Time to Time, by any Order or Orders under their Hands, to declare that all or any Articles legally importable into the *Isle of Man* and not enumerated in the said Table, and upon which the said Duty of Fifteen Pounds for every Hundred Pounds Value is hereby imposed, shall and may, from and after a Day to be named in the said Order or Orders, be imported from the Places and in the Manner in the said Order or Orders mentioned into the *Isle of Man* Duty-free, and that such Articles shall be imported Duty-free accordingly so long as such Order or Orders or any Part thereof affecting such Articles shall continue in force: Provided always, that it shall be lawful for the said Commissioners, or any Three or more of them, at any Time and from Time to Time as they shall consider expedient, by any further Order under their Hands to revoke the whole or any Part of such Order or Orders for admitting the aforesaid Articles or any of them into the *Isle of Man* Duty-free, such Order of Revocation to take effect from a Day to be named therein: Provided also, that all Orders of the Commissioners of Her Majesty's Treasury made in pursuance of this Enactment shall be duly published in the *London* and *Dublin* Gazettes, twice at least within Fourteen Days from the Date of such Orders respectively, and that a Copy of every such Order shall be laid before both Houses of Parliament within Six Weeks after the Date of such Order if Parliament be then sitting, and if not then within Six Weeks after the Commencement of the then next Session of Parliament.

Orders to be published in the Gazette, and laid before Parliament.

Certain Goods importable only under Licence.

IV. And be it enacted, That the several Sorts of Goods enumerated or described in the Schedule to this Act annexed, denominated "Schedule of Licence Goods," shall not be brought into the *Isle of Man*, nor laden on board any Vessel to be carried from any Place to the *Isle of Man*, without the Licence of the Commissioners of Her Majesty's Customs first obtained, nor in greater Quantities in the whole

whole in any One Year than the respective Quantities of such Goods specified in the said Schedule, and that such Goods shall not be so brought into the said *Isle of Man*, except from the respective Places set forth in the said Schedule, and according to the Rules subjoined thereto: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, upon sufficient Cause to them appearing, by any Order under their Hands to permit the Importation into the *Isle of Man* of such additional Quantity of such several Sorts of Goods or any of them, in any One Year, beyond the Quantities named in the said Table as they shall in their Discretion consider expedient.

Lords of the Treasury may permit the Importation of additional Quantities.

Application for Licence to be delivered to Officers at Douglas between 5th May and 5th July.

V. And be it enacted, That every Application for Licence to import any of the Goods aforesaid into the *Isle of Man* shall be made in Writing, and delivered between the Fifth Day of *May* and the Fifth Day of *July* in each Year to the Collector or Comptroller of the Port of *Douglas* in the said Isle; and such Application shall specify the Date thereof, and the Name, Residence, and Occupation of the Person applying, and the Description and Quantity of each Article for which such Licence is required; and all such Applications, with such Particulars, shall be entered in a Book, to be kept at the Custom House at the Port of *Douglas*, and to be there open for public Inspection during the Hours of Business, and on the Fifth Day of *July* in each Year such Book shall be closed, and within Fourteen Days thereafter the Collector and Comptroller shall make out and sign a true Copy of such Entries, specifying the Applicants resident and the Applicants not resident in the said Isle, and deliver or transmit such Copy to the Governor or Lieutenant Governor of the said Isle for the Time being.

Governor to allot Quantities;

and report to Treasury and Commissioners of Customs.

VI. And be it enacted, That within Fourteen Days after the Receipt of such Copy the Governor or Lieutenant Governor of the said Isle shall allot the whole Quantity of each Article in the first place among the Applicants resident in the said Island; and in case the whole Quantity of any Article shall not have been applied for by Residents, he shall then allot the Quantity not so applied for among the non-resident Applicants, in such Proportions in all Cases as he shall judge most fair and equitable; and shall cause a Report thereon to be drawn up in Writing, and sign and transmit the same to the Commissioners of Her Majesty's Treasury, and shall cause a Duplicate of such Report so signed to be transmitted to the Commissioners of Her Majesty's Customs.

Commissioners of Customs to grant Licences according to Report of Governor.

VII. And be it enacted, That upon Receipt of such Duplicate Report the Commissioners of Her Majesty's Customs shall grant Licences, to continue in force for any Period until the Fifth Day of *July* then next ensuing, for the Importation into the *Isle of Man* of the Quantities of such Goods as are allowed by Law to be so imported, with their Licence, according to the Allotments in such Report, and dividing the whole Portion allotted to any one Applicant into several Licences, as they shall be desired and see fit; and such Licences shall be transmitted without Delay to the Collector and Comptroller of *Douglas*, to be by them delivered to the different

Applicants, after taking Bond for the same under the Provisions of this Act.

Before Delivery of Licences, Bond to be given.

VIII. And be it enacted, That previous to the Delivery of any such Licences to the Persons to whom they are granted, the Collector and Comptroller of *Douglas* shall take the Bond of such Persons to Her Majesty, Her Heirs and Successors, with sufficient Security for the Importation or bringing in of the Articles for which the said Licences are respectively granted on or before the Fifth Day of *July* succeeding the Delivery of such Licences, with such Conditions, and for the Forfeiture of such Sums, not exceeding the whole Amount of Duties payable in *Great Britain* on Articles similar to those specified in such Licences, as the Commissioners of Her Majesty's Customs shall think fit: Provided always, that if any Person to whom such Licence shall be granted shall not have given such Bond prior to the Fifth Day of *January* next after the granting such Licence, it shall be lawful for the Governor or Lieutenant Governor of the said Isle, if he shall see fit, to transfer any such Licence to any other Person who shall be desirous to take up the same, and willing and able to give such Bond; and such Transfer shall be notified by Endorsement on the Licence signed by such Governor or Lieutenant Governor:

Licence not taken up may be transferred by Governor.

Parties not importing the whole of the Goods for which they have obtained a Licence disqualified from having a Licence the following Year.

IX. And be it enacted, That if any Person, having obtained a Licence under this Act, shall not import or bring into the said Island the whole Quantity of Goods permitted to be imported or brought under such Licence, during the Period for which it shall remain in force, such Person shall be thereby disqualified from receiving a Licence in the Year next following that in which his previous Licence shall have been granted.

Counterfeiting, or falsifying Licence, Penalty 500*l*.

X. And be it enacted, That if any Person or Persons shall counterfeit or falsify any Licence or other Document required for the Importation into the *Isle of Man* of any Goods which would otherwise be prohibited to be imported into the said Isle, or shall knowingly or wilfully make use of any such Licence or other Document so counterfeited or falsified, such Person or Persons shall for every such Offence forfeit the Sum of Five hundred Pounds.

Licence Goods not to be re-exported, nor to be carried Coastwise unless in Vessels of Fifty Tons.

Wine removed Inland, &c.

XI. And be it enacted, That it shall not be lawful to re-export from the *Isle of Man* any Goods which have been imported into the said Isle with Licence of the Commissioners of Her Majesty's Customs as aforesaid; and that it shall not be lawful to carry any such Goods Coastwise from one Part of the said Isle to another, except in Vessels of Fifty Tons Burden at the least, and in the same Packages in which such Goods were imported into the said Isle; and that it shall not be lawful to remove any Wine from one Part of the said Isle to another, except in such Packages or in Bottles.

Trade with the Isle of Man to be a Coasting Trade.

XII. And be it enacted, That all Trade from any Port of the United Kingdom to the *Isle of Man*, or from the *Isle of Man* to any Port of the United Kingdom, shall be deemed to be a Coasting Trade, and all Ships employed therein shall be deemed to be Coasting Ships, and shall be subject to all the Rules, Regulations, Penalties, and

Forfeitures now in force relating to Coasting Ships, and that the *Isle of Man* shall not be deemed in Law with reference to any Part of the United Kingdom to be Parts beyond the Seas in any Matter relating to the Trade or Navigation or Revenue of this Realm: Provided nevertheless, that all Goods subject to Duty under this Act, when brought from the United Kingdom into the *Isle of Man*, and all Vessels bringing the same, shall be liable to the same Rules and Regulations as are required by Law in respect of Goods imported into the said Isle from Foreign Parts, and in respect of the Vessels importing the same; and that all the Penalties and Forfeitures inflicted by Law for any Breach of the said Rules and Regulations shall attach upon all Goods so brought into the said Isle contrary to the said Rules and Regulations, or any of them, and upon all Persons committing any Breach of any such Rule or Regulation; and such Penalties and Forfeitures shall and may be recovered in the same Manner as any Penalty or Forfeiture may be recovered by any Act relating to the Customs.

Goods subject to Duty when brought from the United Kingdom to be so brought subject to the same Law as Goods imported from Foreign Parts.

Corn, Grain, Meal, and Flour may be warehoused in the Island.

XIII. And whereas an Act was passed in this present Session of Parliament, intituled *An Act for the warehousing of Goods:* And whereas it is expedient to extend the Operation of the said Act to the *Isle of Man*, so far as relates to the Privilege of warehousing Foreign Corn, Grain, Meal, and Flour; be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, by their Warrant, from Time to Time, to appoint any Port or Ports in the *Isle of Man* to be warehousing Ports, for the Purposes herein-after declared, and that it shall be lawful for the Commissioners of Her Majesty's Customs, subject to the Authority and Directions of the Commissioners of Her Majesty's Treasury, by their Order from Time to Time to appoint in what Warehouses or Places of special Security or of ordinary Security, as the Case may require, in such Port or Ports, and in what different Parts or Divisions of such Warehouses or Places, and in what Manner, any Corn, Grain, Meal, or Flour may and may only be warehoused and kept and secured, without Payment of any Duty upon the first Entry thereof, and also in such Order to direct in what Cases (if any) Security by Bond shall be required in respect of any Warehouse so appointed by them.

Provisions of Warehousing Act to extend to the Isle of Man in respect of Corn, Grain, Meal, and Flour.

Publication of Notice.

XIV. And be it enacted, That all Provisions, Powers, Regulations, and Enactments in the said last-mentioned Act contained shall be construed and taken to extend and be applicable to the *Isle of Man*, so far as relates to the Articles of Corn, Grain, Meal, and Flour: Provided always, that whenever in the said last-mentioned Act any Notice, Order, or Appointment is directed to be published in the *London* or *Dublin* Gazettes respectively, it shall be necessary that any such Notice, Order, or Appointment in respect of any Warehouse in the *Isle of Man* shall be published in the *London* and *Dublin* Gazettes.

Warehoused Goods may be removed into Isle of Man, under certain Regulations.

XV. And be it enacted, That Goods warehoused in the United Kingdom may be removed from such Warehouses into any Port in the *Isle of Man*, under such Security and under such Regulations and Conditions as are set forth in the said last-mentioned Act with respect

respect to the Removal of warehoused Goods from one warehousing Port to another warehousing Port in the United Kingdom, save and except so far as the said last-mentioned Regulations apply to the warehousing such Goods at their Port of Destination.

Act not to affect Regulation as to Excise Drawbacks.

XVI. And be it enacted, That nothing herein contained shall be deemed or construed to affect the Laws and Regulations now in force respecting Duties and Drawbacks of Excise on Goods exported or carried, or to be exported or carried, to the *Isle of Man*.

Sugar on which Bounty has been allowed may be removed to the Isle of Man.

XVII. And be it enacted, That any Sugar upon which any Bounty shall have been allowed under any Act relating to the Customs may be removed to the *Isle of Man*.

Bond to be given not to re-land such Sugar.

XVIII. And be it enacted, That before any such Sugar shall be removed to the *Isle of Man*, the Person removing the same shall give Bond to Her Majesty with One sufficient Surety that the same shall be duly landed in the *Isle of Man*, and shall not be re-landed in any Part of the United Kingdom.

Foreign Goods, except Corn, not to be brought from the Isle of Man to the United Kingdom.

XIX. And be it enacted, That it shall not be lawful to carry any Goods not being of the Growth, Produce, or Manufacture of the *Isle of Man* or of the United Kingdom, except Corn, Grain, Meal, or Flour, in any Ship from the *Isle of Man* to any Port or Place in the United Kingdom.

Goods prohibited to be imported into the Isle of Man.

XX. And be it enacted, That the several Sorts of Goods enumerated or described in the Schedule herein-after contained, denominated "Schedule of Prohibitions," shall not be imported or brought into the *Isle of Man*; (that is to say,)

SCHEDULE OF PROHIBITIONS.

Goods the Produce or Manufacture of Places within the Limits of the *East India* Company's Charter, except from the United Kingdom:

Cotton Yarn, Cotton Cloth, Linen Cloth, Glass, Manufactures, Woollen Manufactures, unless *bonâ fide* laden in and brought directly from the United Kingdom:

British distilled Spirits:

Sugar or Rum other than that enumerated and described in the Table of Duties herein-before contained:

All Goods prohibited to be imported into the United Kingdom to be used or consumed therein on account of the Sort or Description of the same.

Goods imported, exported, or carried Coastwise, contrary to the Act, forfeited.

XXI. And be it enacted, That if any Goods shall be imported into or exported from the *Isle of Man*, or shall be carried Coastwise from one Part of the said Isle or from the United Kingdom to the said Isle, or from the said Isle to the United Kingdom, or shall be waterborne or brought to any Wharf or Place with Intent to be waterborne, to be so exported or carried, or shall be removed by Land within the said Isle, contrary to any of the Directions or Provisions of this Act, the same and all the Packages containing the same

Penalty.

same shall be forfeited, together with all Ships, Vessels, or Boats, and all Cattle and Carriages used or employed therein; and every Person offending therein shall forfeit for every such Offence the Sum of One hundred Pounds, or the full Amount of all Duties which would be payable in respect of similar Goods the Produce of Foreign Countries if imported into and entered for Home Consumption in the United Kingdom, at the Election of the Commissioners of Her Majesty's Customs.

Limiting the Quantity of Spirits, Tea, and Tobacco for Use of Seamen: in decked Vessels; in open Boats.

XXII. And be it enacted, That if any decked Vessels, bound from the *Isle of Man* to any Port of *Great Britain* or *Ireland*, shall have on board for the Use of the Seamen any Spirits exceeding the Quantity of Half a Gallon for each Seaman, or any Tobacco exceeding One Pound Weight for each Seaman, or any Tea exceeding Two Pounds Weight for the whole of the Seamen on board such Vessel, or if any open Boat, bound from the *Isle of Man* to any Port of *Great Britain* or *Ireland*, shall have on board for the Use of the Seamen any Spirits exceeding One Quart for each Seaman, or any Tobacco exceeding One Half of a Pound Weight for each Seaman, or any Tea exceeding One Pound Weight for the whole of the Seamen on board such Boat, all such Foreign Spirits, Tobacco, and Tea respectively, together with the Casks or Packages containing the same, and also every such Vessel or Boat, together with all the Guns, Furniture, Ammunition, Tackle, and Apparel thereof, shall be forfeited.

Certificate for Goods the Produce of the Isle of Man.

XXIII. And be it enacted, That before any Goods shall be shipped in the *Isle of Man*, to be carried to the United Kingdom as being the Produce or Manufacture of that Island, Proof shall be made by the written Declaration of some competent Person to the Satisfaction of the Collector and Comptroller of the Customs, at the Port of Shipment, that such Goods, describing and identifying the same, are the Produce or the Manufacture, as the Case may be, of the said Island, and in such Declaration shall be stated the Name of the Person by whom such Goods are intended to be shipped; and such Person at the Time of shipping (not being more than One Month after the Date of such Declaration) shall make and subscribe a Declaration before such Collector or Comptroller that the Goods to be shipped are the same as are mentioned in such Declaration; and thereupon the Collector and Comptroller shall, on demand, give to the Master of the Ship in which the Goods are to be exported a Certificate of such Proof of Produce or of Manufacture having been made in respect of such Goods, describing the same, and setting forth the Name of the Party and of the Ship, and of the Master thereof, and the Destination of the Goods; and such Certificate shall be received at the Port in the United Kingdom into which the said Goods shall be brought, instead of the Certificate of the Governor, Lieutenant Governor, or Commander in Chief of the said Island, heretofore required.

Management of Duties.

XXIV. And be it enacted, That the Duties of Customs hereinbefore imposed shall be raised, levied, collected, paid, recovered, and accounted for under the Authority and Direction or under the Management

nagement and Control of the Commissioners of Her Majesty's Customs; and, except the necessary Charges of raising, collecting, levying, recovering, and accounting for the same, the said Rates and Duties shall from Time to Time (subject to the Deductions hereinafter mentioned) be brought and paid into the Receipt of Her Majesty's Exchequer, distinctly and apart from all other Branches of the Public Revenue, and shall go to and make Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland:* Provided always, that any of the Collectors of Customs of the said Isle shall retain, and he and they is and are hereby authorized and required, agreeably to such Directions as shall from Time to Time be given for that Purpose by the Commissioners of Her Majesty's Customs, to retain, such Sum or Sums of Money in his or their Hands as may be sufficient to defray the necessary Expences attending the Government of the said *Isle of Man*, and the Administration of Justice there, and other Charges incurred in the said Isle, which have heretofore been or may hereafter be deemed fit and proper Charges to be deducted from and paid out of the Duties of Customs collected in the said *Isle of Man;* and upon the Amount of the said Expences and Charges being ascertained, the said Commissioners are hereby authorized to direct the same to be paid out of the said Monies so retained to such Person or Persons as may be entitled to receive the same.

Duties to be paid into the Exchequer.

Part of Duties may be retained for Expences of the Government.

XXV. And whereas by an Act passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act to repeal the Duties granted by an Act passed in the Eleventh Year of His present Majesty, for repairing, amending, and supporting the several Harbours and Sea-ports in the* Isle of Man, *and for granting new Duties in lieu thereof, and for giving further Powers to the Commissioners appointed under the said Act*, certain Harbour Duties were imposed on Ships and Vessels, Goods, Wares, and Merchandize, arriving at and imported into the said *Isle of Man*, and certain Rates were also imposed on Boats and Vessels employed in the Herring Fishery on the Coasts thereof: And whereas the said Duties and Rates have subsequently to the passing of the said last-mentioned Act been repealed: Now, be it enacted, That the Collectors of Customs of the said Isle shall, out of the Duties collected under this Act, pay to Her Majesty's Receiver General in the said *Isle of Man*, to be applied as herein-after is mentioned, yearly and every Year, the Sum of Two thousand Three hundred Pounds, by Four equal quarterly Payments, on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October*, the first of such Payments to be made on the First Day of *October* One thousand eight hundred and forty-five, and the same shall be applied by the said Harbour Commissioners to the same Purposes to which the Duties imposed by the said last-mentioned Act and since repealed would be lawfully applicable by the said Harbour Commissioners.

Annual Sum of 2,300*l.* to be paid from Duties under this Act to Harbour Commissioners.

XXVI. And be it enacted, That all Vessels registered at any Port in the said *Isle of Man*, and *bonâ fide* the Property of Inhabitants thereof, being so registered as of the Burden of Fifty Tons, shall, with regard to Coasting Trade between the *Isle of Man* and the United

Manx Vessels of Fifty Tons registered Burden to be entitled to the Privileges of Vessels of Sixty Tons.

United Kingdom, be entitled to all the Privileges to which Vessels registered in the United Kingdom as of Sixty Tons Burden are by Law entitled.

Alteration of Act.

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULE to which the foregoing Act refers.

Schedule of Licence Goods.

Spirits; (videlicet,)		
Foreign Brandy	Gallons	20,000
— Geneva	Ditto	20,000
Liqueurs	Ditto	50
Eau de Cologne	Ditto	50

From the United Kingdom, or from any Place from which the same might be imported into the United Kingdom, for Consumption therein.

Rum of the British Plantations	Gallons	70,000
Tobacco	Pounds	55,000
Segars	Ditto	5,000

From the United Kingdom.

Rules referred to in this Act.

1. All such Goods to be imported or brought into the Port of Douglas, and by Her Majesty's Subjects and in British Ships or Vessels of the Burden of Fifty Tons or upwards.
2. Such Tobacco to be shipped only in Ports in the United Kingdom where Tobacco is allowed to be imported and warehoused without Payment of Duty.
3. Such Rum, Brandy, and Geneva to be imported or brought in Casks containing not less than Twenty Gallons each.
4. That the respective Quantities of such Spirits shall be estimated according to the Strength of Proof by Sykes's Hydrometer.
5. No Drawback of Excise to be allowed on any such Goods until a Certificate of the due Landing of the Goods at the Port of Douglas be produced from the Collector and Comptroller of the Customs at that Port.
6. If any such Goods be laden at any Foreign Port or Place, the Species and Quantity of such Goods, with the Marks, Numbers, and Denominations of the Casks or Packages containing the same, shall be endorsed on the Licence, and signed by the British Consul at the Port of Lading, or if there be no British Consul, by Two known British Merchants.
7. Upon Importation into the Port of Douglas of any such Goods the Licence for the same shall be delivered up to the Collector or Comptroller of that Port.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XCV.

An Act to exempt *Van Diemen's Land* from the Provisions of an Act, intituled *An Act for regulating the Sale of Waste Land belonging to the Crown in the* Australian *Colonies.*

[4th *August* 1845.]

WHEREAS an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her Majesty, intituled *An Act for regulating the Sale of Waste Land belonging to the Crown in the* Australian *Colonies:* 5 & 6 Vict. c. 36.
And whereas the Provisions of the said Act are inapplicable to those Colonies to which Felons and Offenders may be transported by Law from the United Kingdom of *Great Britain* and *Ireland:*
Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be suspended and of no Force and Effect in the Colony of *Van Diemen's Land,* as such Colony is now defined and limited, so long as the said Colony shall continue to be a Place to which Felons and other Offenders under Sentence or Order of Transportation may be conveyed from the United Kingdom of *Great Britain* and *Ireland,* by Direction of Her Majesty, given with the Advice of Her Privy Council.

Act not to take effect in the Colony of Van Diemen's Land so long as Felons are transported there.

II. And

Commencement of this Act.

II. And be it enacted, That this Act shall take effect and have the Force of Law in the said Colony from and after a Day to be specified by the Governor of the said Colonies in some Proclamation to be issued by him for that Purpose.

Alteration of Act.

III. And be it enacted, That this Act may be altered or amended during the present Session of Parliament.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XCVI.

An Act to restrict the Powers of selling or leasing Railways contained in certain Acts of Parliament relating to such Railways.

[4th *August* 1845.]

WHEREAS Provisions have been introduced in various Acts of Parliament, during the present Session of Parliament, relating to Railways, giving to Railway Companies general Powers of granting or accepting a Lease, Sale, or Transfer of their own or other Lines of Railway; and it is expedient that such Powers should be restrained: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be lawful for the Company of Proprietors of any Railway, by virtue of any Powers contained in any Act passed in the present Session, to make or grant, or for any other Railway Company or Party, by virtue of any such Powers, to accept, a Sale, Lease, or other Transfer of any Railway, unless under the Authority of a distinct Provision in some Act of Parliament to that Effect specifying by Name

No Railway Company to grant or accept a Lease or Transfer of any Railway unless under a distinct Provision of

an Act specifying the Parties.

Name the Railway to be so leased, sold, or transferred, and the Company or Party by whom such Lease, Sale, or Transfer may be respectively made, granted, or accepted.

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that in default of any such Devise such Stocks or Funds respectively, and the respective Annuities attending the same, shall go to the Executors or Administrators of the Person or Persons dying entitled thereto: And whereas Doubts have arisen as to the true Construction and Effect of the Provisions aforesaid; and the Registration of specific Devises or Bequests of Property in such Stocks, Funds, and Annuities as aforesaid has been found in Practice to be unnecessary and inconvenient; and it is expedient that such Doubts should be removed, and that the Provisions made by the said Acts respectively for such Registration should be repealed: And whereas it hath been the Practice of the Governor and Company of the Bank of *England* to require that all the Executors of any Person entitled to any Share or Interest in any Stocks, Funds, or Annuities transferable at the Bank of *England* should join in the Transfer thereof, and it is desirable that the same should be confirmed by Law: Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Share or Interest in any Public Stocks now standing in the Books of the Governor and Company of the Bank of *England* in the Name of any deceased Person, and all the Share and Interest of any Person who shall hereafter die possessed of any such Stocks standing in his Name as aforesaid, shall and may be assigned and transferred by the Executors or Administrators of such Person, notwithstanding any specific Bequest or Disposition thereof in the Will of such Person contained: Provided always, that the said Governor and Company of the Bank of *England* shall not be required to permit or allow the Executors or Administrators of any such Person to transfer any such Stocks, or to receive any Dividend thereon, until the Probate of the Will or the Letters of Administration of the Goods, Chattels, and Credits of such Person shall have been first left at the Bank of *England* for Registration thereof; and that it shall be lawful for the said Governor and Company to require all the Executors who shall have proved the Will of any deceased Person in whose Name any such Stocks are now or at any Time hereafter may be standing to join and concur in every Transfer thereof or of any Part thereof.

All Shares of Public Stocks standing in the Books of the Bank of England in the Name of any deceased Person may be transferred by the Executors notwithstanding any specific Bequests.

Bank may require all the Executors to join in the Transfer of Stock.

II. And be it enacted, That so much and such respective Parts of any and every Act now in force as require all or any Part of any Will or Codicil devising or bequeathing or purporting to devise or bequeath any Estate, Property, or Interest in any Public Stocks, or in any Dividends arising therefrom, to be entered or registered in the Office of the Chief Accountant of the Governor and Company of the Bank of *England*, or in any other Office, or in any Book of the Governor and Company of the Bank of *England*, shall be and the same are hereby respectively repealed, and that from and after the passing of this Act it shall be sufficient for the said Governor and Company, before permitting the Transfer of any Stocks, or the Receipt of any Dividends upon any Stocks standing in the Name of any deceased Person, to register the Names of the deceased Party, and of his Executors or Administrators respectively, as the Case may be.

Bank not to register specific Bequests.

III. And

Powers of Attorney to be given for Receipt of Dividends in certain Cases.

III. And whereas it frequently happens that Stock is standing in the Names of Infants or Persons of unsound Mind, jointly with Persons not under any legal Disability to act, and such last-mentioned Persons are not able to attend personally to receive the Dividends thereon, and no Power of Attorney can be granted for the Receipt of such Dividends; be it therefore enacted, That whenever it shall happen that any Stock shall be standing in the Name of any Infant or Person of unsound Mind, jointly with any Person not under any legal Disability to act, it shall be lawful to and for such last-mentioned Person, by Letter of Attorney under his Hand and Seal, attested by Two or more credible Witnesses, to authorize some other Person to receive the Dividends due and to accrue due on such Stock; and the Payment of any such Dividend to any Person so appointed shall discharge the said Governor and Company of the Bank of *England* in respect thereof: Provided always, that it shall be lawful for the said Governor and Company, before acting on any such Letter of Attorney, to require Proof to the Satisfaction of the said Governor and Company of the Age of such Infant, or of the Unsoundness of Mind of such Person, by the Declaration of competent Persons, to be made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty authorizing the Substitution of a Declaration in lieu of an Oath in certain Cases.

Interpretation of Act.

IV. And be it enacted, That the Word "Stocks" in this Act shall extend to any Stocks, Funds, or Annuities which now are or at any Time hereafter shall be transferable at the Bank of *England*; and that the Plural Number in this Act shall be construed to include the Singular; and that the Masculine Gender in this Act shall be construed to include the Feminine.

Alteration of Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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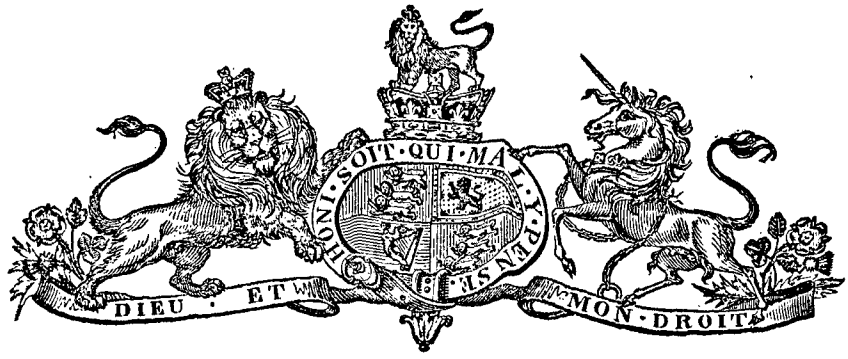

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XCVIII.

An Act for facilitating the winding up the Affairs of Joint Stock Companies in *Ireland* unable to meet their pecuniary Engagements.

[4th *August* 1845.]

WHEREAS it is expedient to extend the Remedies of Creditors against the Property of such Joint Stock Companies or Bodies as herein-after mentioned when unable to meet their pecuniary Engagements, and to facilitate the winding up of their Concerns; and it may also be for the Benefit of the Public to make better Provision for Discovery of the Abuses that may have attended the Formation or Management of the Affairs of any such Companies or Bodies, and for ascertaining the Causes of their Failure: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any commercial or trading Company now or at any Time hereafter incorporated by Charter or Act of Parliament, or any Company or Body of Persons now or at any Time hereafter associated together for any commercial or trading Purposes, and to which any Privilege or Privileges or Power or Powers shall, before or after the passing of this Act, have been granted, under the Authority of the Statute made and passed in the First Year of the Reign of Her present Majesty, intituled *An Act for better enabling Her Majesty to confer certain Powers and Immunities on trading and*

If any incorporated commercial or trading Company, or any other Body of Persons associated together for commercial or trading Purposes, as herein described, shall commit any Act which is

hereby deemed an Act of Bankruptcy on the Part of such Company, a Commission of Bankruptcy may issue against the same, and be prosecuted in like Manner as against other Bankrupts, subject to the Provisions herein-after made.
7 W. 4. & 1 Vict. c. 73.
7 & 8 Vict. c. 110.

and other Companies, or by any Act of Parliament, or any commercial or trading Company or Body which by the said Statute made and passed in the First Year of the Reign of Her present Majesty is to be considered as subsisting, and to be subject to the Provisions of the said Statute, in manner therein mentioned, or any Company or Body of Persons now or at any Time hereafter associated together for any commercial or trading Purposes, and registered, either provisionally or completely, under the Provisions of an Act passed in the last Session of Parliament, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*, or any Joint Stock Company now existing and comprehended within the Definition therein contained of a Joint Stock Company, shall commit any Act which by this Act is to be deemed an Act of Bankruptcy on the Part of any such Company or Body, a Commission of Bankruptcy may issue against such Company or Body by the Name or Style of the said Company or Body, upon the Petition of any Creditor or Creditors of such Company or Body (whether a Member or Members of such Company or Body or not), to such Amount as is now by Law requisite to support a Commission of Bankruptcy; and the Commissioner authorized to act in the Prosecution of such Commission, and all Persons acting under such Commission, may proceed thereon in like Manner as against other Bankrupts, subject always to the Provisions herein-after made.

Bankruptcy of Company not to be construed to be the Bankruptcy of any Member individually.

II. Provided always, and be it enacted, That the Bankruptcy of any such Company or Body, in its corporate or associated Capacity, (as the Case may be,) shall not be construed to be the Bankruptcy of any Member of such Company or Body in his individual Capacity.

Declaration of Insolvency in pursuance of a Resolution of the Board of Directors under the Common Seal of the Company, or signed by the Chairman, and attested by the Solicitor of the Company, and filed in the Office of the Secretary of Bankrupts, to be an Act of Bankruptcy.

III. And be it enacted, That if any such Company or Body shall, by virtue of a Resolution to be duly passed in that Behalf at a Board of Directors of such Company or Body duly summoned for that Purpose, file or cause to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing, in the Form specified in the Schedule (A.) No. 1. hereunto annexed, that the said Company or Body is unable to meet its Engagements, and also a Minute of such Resolution in the Form specified in the said Schedule (A.) No. 2., such Declaration and Minute of Resolution respectively being under the Common Seal of such Company or Body, and if such Company or Body have no Common Seal then signed by the Chairman of the Board of Directors who was present at the passing of such Resolution, and in either Case such Declaration and Minute of Resolution being respectively attested by the Attorney or Solicitor of the said Company or Body for the Time being, every such Company or Body shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Commission of Bankruptcy shall issue against such Company or Body within Two Calendar Months from the filing of such Declaration; and a Copy of such Declaration and Minute of Resolution respectively, purporting to be certified by the said Secretary or his Clerk as a true Copy, shall be received as Evidence of such Declaration and Minute of Resolution respectively having been filed by such

Company or Body, and that upon such Evidence being given, and upon Proof by the attesting Witness of the sealing or Signature, as the Case may be, of the said Declaration and Minute of Resolution, no further Evidence shall be required of the said Act of Bankruptcy.

Company not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution within Fourteen Days after Notice requiring Payment, an Act of Bankruptcy.

IV. And be it enacted, That if any Plaintiff shall recover Judgment in any Action personal for the Recovery of any Debt or Money Demand in any of Her Majesty's Courts of Record against any such Company or Body, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such Company or Body, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off, or which may be legally set off against such Judgment, and such Company or Body shall not, within Fourteen Days after Notice in Writing served upon the said Company or Body, by Service of the same on a Chief Clerk or Secretary or Registrar of the said Company or Body, or (if there be no Officer of such Denomination) on any Director of the said Company or Body personally, or by the same having been left at the head Office for the Time being of such Company or Body, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, such Company or Body shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice, but that it shall be lawful, nevertheless, for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner before directed.

Company disobeying Order of any Court of Equity, &c. for Payment of Money after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy.

V. And be it enacted, That if any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Company or Body, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such Company or Body, ordering any Sum of Money to be paid by such Company or Body, and such Company or Body shall disobey such Decree or Order, the same having been served upon such Company or Body by Service of the same on a Chief Clerk or Secretary or Registrar of the said Company or Body, or (if there be no Officer of such Denomination) on any Director of the said Company or Body personally, or by the same having been left at the Head Office for the Time being of such Company or Body, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Company or Body, being served in manner aforesaid with such last-mentioned Order Fourteen Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, such Company or

Body

Body shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after the Service of such Order.

Creditor filing an Affidavit of Debt in One of the Superior Courts, and issuing a Writ thereon, if the Company do not within a Month pay, secure, or compound to the Satisfaction of the Creditor, or satisfy a Judge of their Intention to defend on the Merits, and enter an Appearance to the Action, an Act of Bankruptcy.

VI. And be it enacted, That if any Creditor or Creditors of any such Company or Body to such Amount as is now by Law requisite to support a Commission shall file an Affidavit or Affidavits in any of Her Majesty's Superior Courts of Law at *Dublin* that such Debt or Debts is or are justly due to him or them respectively from the said Company or Body, and that such Company or Body, as he or they verily believe, is a commercial or trading Company or Body incorporated or associated as aforesaid (as the Case may be), and shall sue out of the same Court a Writ against such incorporated Company, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such associated Company or Body, as the Case may be, and serve a Chief Clerk or Secretary or Registrar of such incorporated or associated Company or Body, as the Case may be, or (if there be no Officer of such Denomination) any Director of the said Company or Body personally, with a Copy of such Writ, if such Company or Body shall not, within One Calendar Month after Service of such Copy, pay, secure, or compound for such Debt or Debts to the Satisfaction of such Creditor or Creditors, or make it appear to the Satisfaction of One of the Judges of the Court out of which such Writ shall issue that it is the Intention of such Company to defend the Action upon the Merits, and within One Calendar Month next after Service of such Copy cause an Appearance or Appearances to be entered to such Action or Actions in the proper Court or Courts in which the same shall have been brought, every such Company or Body shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Copy.

Assignees of the Estate of a Company may maintain Action to recover a Debt; and any Person may claim under a Commission against a Company any Debt due on the Balance of Accounts.

VII. And be it enacted, That it shall be lawful for the Assignees of the Estate and Effects of any such Company or Body to maintain any Action, Suit, or other Proceeding against any Person or Persons (whether a Member or Members of such Company or Body or not), to recover any Debt or Demand on behalf of the said Company or Body against such Person or Persons, and for any Person or Persons to prove or claim under the Commission against such Company or Body such Debt or Demand as may be due to him or them (whether a Member or Members of such Company or Body or not) on the Balance of Accounts between him or them and the said Company or Body.

Member's Share not to be set off against a Demand which the Assignees of the Estate and Effects of a Company adjudged bankrupt may have against such Member.

VIII. Provided always, and be it enacted, That no Claim or Demand which any Member of any such Company or Body may have in respect of his Share of the Capital or Joint Stock thereof, or of any Dividends, Interest, Profits, or Bonus payable or apportionable in respect of such Share, shall be capable of being set off, either at Law or in Equity, against any Demand which the Assignees of the Estate and Effects of such Company or Body may have against such Member on account of any other Matter or Thing whatsoever, but all Proceedings in respect of such Matter or Thing may be carried on as if no Claim or Demand existed in respect of such Capital or Joint Stock,

Stock, or of any Dividends, Interest, Profits, or Bonus payable or apportionable in respect thereof.

No Action, &c. by a Creditor of a Company, so far as concerns his Recourse against the Person or Property of any individual Member, to affect his Right to issue or prove under a Commission against the Company for any Debt remaining unsatisfied; and a Commission, or a Proof or Proceeding thereon, not to affect any Action by a Creditor, so far as concerns his Recourse to the Person or Property of any Individual Member.

IX. And be it enacted, That no Action, Suit, or other Proceeding by any Creditor or Creditors of any such Company or Body shall, so far as concerns or may be necessary for the Recourse of such Creditor or Creditors against the Person, Property, or Effects of any Member or Members thereof for the Time being, or any former Member or Members thereof, be deemed to prejudice or in any Manner affect the Right of such Creditor or Creditors to sue out or prosecute a Commission against such Company or Body, or his or their Right to prove or claim, under any Commission against such Company or Body, any Debt or Demand remaining unsatisfied; and that no such Commission, or Proof or Proceeding thereunder, shall be deemed to prejudice or in any Manner affect the Right of any Creditor or Creditors of such Company or Body to institute or maintain any Action, Suit, or other Proceeding, so far as concerns or may be necessary for the Recourse of such Creditor or Creditors against the Person, Property, or Effects of any Member or Members thereof for the Time being, or any former Member or Members thereof: Provided always, that nothing herein contained shall prevent Remedy against Copartners; provided also, that no Execution in respect of any Debt or Demand proveable under the Commission against any such Company or Body adjudged bankrupt shall be issued against the Person, Property, or Effects of any Member or Members for the Time being of such Company or Body, or any former Member or Members thereof, until after such Debt or Demand shall have been proved under such Commission, nor shall any such Execution be issued, after the Appointment of a Receiver in manner herein-after mentioned, without Leave of the High Court of Chancery.

The Law and Practice in Bankruptcy to extend, so far as applicable, to Commissions under this Act.

X. And be it enacted, That the Law and Practice in Bankruptcy now in force in *Ireland* shall extend, so far as the same may be applicable, to this Act, and to Commissions in Bankruptcy issued by virtue of this Act, and to all Proceedings under such Commissions, save and except as may be otherwise directed by this Act.

The Commissioner may order the Directors of a Company adjudged bankrupt, &c. to prepare and file a Balance Sheet and Accounts, and to make Oath of the Truth thereof; and the Commissioner may make Allowance out of the Estate for the Preparation thereof.

XI. And be it enacted, That it shall be lawful for the Commissioner authorized to act in the Prosecution of a Commission of Bankruptcy against any such Company or Body, at any Time after the Advertisement of the Bankruptcy in the *Dublin Gazette*, to order that the Persons who were at the Date of such Commission Directors of such Company or Body, or such of them as such Commissioner in his Discretion shall think fit, or if there be no Directors, then such Members of the Company as such Commissioner in his Discretion shall think fit, shall prepare such Balance Sheet and Accounts, and in such Form as such Commissioner shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in such Court, and deliver a Copy thereof to the Assignee Ten Days at least before the last Examination under such Commission; and such Balance Sheet and Accounts, before such last Examination, may be amended from Time to Time as Occasion shall require and such Commissioner shall direct; and such Persons shall make Oath of the Truth of such Balance

Balance Sheet and Accounts whenever they shall be duly required so to do; and such Commissioner may from Time to Time make such Allowance out of the Estate of such Company or Body for the Preparation of such Balance Sheet and Accounts, and to such Person or Persons, as such Commissioner shall think fit.

Persons ordered by the Commissioner to prepare the Balance Sheet to be under the like Obligation to surrender at the last Examination under the Commission, and to submit to be examined, &c., and to incur such Danger or Penalty for not conforming, &c. as is now provided against a Bankrupt.

XII. And be it enacted, That every such Person ordered as aforesaid to prepare such Balance Sheet and Accounts shall be under the like Obligation to surrender to the Commissioner authorized to act in the Prosecution of such Commission, at the Hour and upon the Day allowed for finishing the last Examination under such Commission, and to sign and subscribe such Surrender, and to submit to be examined before such Commissioner from Time to Time upon Oath, and to make a full and true Discovery of the Estate and Effects of such Company or Body, and shall incur such Danger or Penalty for not surrendering, or for not signing or subscribing such Surrender, or for not coming before the Commissioner, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of the Commissioner, or for refusing to sign or subscribe his Examination, or for not delivering up at the last Examination under such Commission all such Part of the Estate of such Company or Body, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power, or for removing, concealing, or embezzling any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud the Creditors of such Company or Body, as is now by the Law in force concerning Bankrupts provided as to a Bankrupt for not conforming to the like Requisitions for the Discovery of and in relation to the Estate and Effects of such Bankrupt.

Persons ordered to prepare the Balance Sheet to have the same Freedom from Arrest, &c. as a Bankrupt.

XIII. And be it enacted, That every such Person so ordered as aforesaid to prepare such Balance Sheet and Accounts shall have such Freedom from Arrest and Imprisonment in coming to surrender to such Commission, and such Discharge if arrested in coming to surrender, as a Bankrupt now has or may have under a Commission of Bankruptcy against him; and such Person or Persons, if in Prison, may be brought before such Court by Warrant in like Manner as such Bankrupt now may.

The Commissioner, before Adjudication, may summon any Person, whether a Member of the Company or not, to give Evidence as to the Trading and any Act of Bankruptcy; and after Adjudication the Commissioner may summon and examine any Person who is suspected to have Property

XIV. And be it enacted, That it shall be lawful for the Commissioner authorized to act in the Prosecution of a Commission of Bankruptcy issued against any such Company or Body, before Adjudication, to summon before such Commissioner any Person (whether a Member of such Company or Body or not) whom such Commissioner shall believe capable of giving any Information concerning the commercial Dealings or Trading of, or any Act or Acts of Bankruptcy within the Meaning of this Act committed by, such Company or Body, and also to require such Person so summoned to produce any Books, Papers, Deeds, Writings, and other Documents in the Custody, Possession, or Power of such Person which may appear to such Commissioner to be necessary to establish such Dealings, Trading, or Act or Acts of Bankruptcy; and it shall be lawful for such Commissioner to examine every such

Person upon Oath, by Word of Mouth or Interrogatories in Writing, concerning the Dealings or Trade of, or any Act or Acts of Bankruptcy within the Meaning of this Act committed by, such Company or Body; and it shall also be lawful for such Commissioner, after Adjudication, to summon before him any Person (whether a Member of such Company or Body or not) known or suspected to have any of the Estate of such Company or Body in his Possession, or who is supposed to be indebted to such Estate, or any Person (whether a Member of such Company or Body or not) whom such Commissioner believes capable of giving Information concerning any Person or Persons who was or were a Member or Members of such Company or Body at or before the Date of the Commission, or concerning the Trade, Dealings, or Estate of such Company or Body, or concerning any Act or Acts of Bankruptcy within the Meaning of this Act committed by such Company or Body, or any Information material to the full Disclosure of the Dealings of such Company or Body; and it shall be lawful for such Commissioner to examine in manner aforesaid every such Person so summoned concerning the Person of any such Member, or concerning the Trade, Dealings, or Estate of such Company or Body, and also to require every such Person so summoned to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody, Possession, or Power which may appear to such Commissioner necessary to the Verification of the Deposition of such Person, or to the full Disclosure of any of the Matters which such Commissioner is authorized to inquire into; and every such Person so summoned shall incur such Danger or Penalty for not coming before the Commissioner, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of such Commissioner, or for refusing to sign or subscribe his Examination, or for refusing to produce or for not producing any such Book, Paper, Deed, Writing, or Document, as is now provided against Persons summoned to be examined under a Commission of Bankruptcy.

of the Company in his Possession, or to be indebted to the Company, &c., and compel him to produce Books, &c.

XV. And be it enacted, That where any Person who, at or before the Date of a Commission of Bankruptcy issued against any such Company or Body, was a Member of such Company or Body, shall be summoned to attend before the Commissioner authorized to act in the Prosecution of such Commission, every such Person shall have such Costs and Charges only (if any) as such Commissioner in his Discretion shall think fit.

As to Costs where a Person summoned under a Commission against a Company was a Member thereof.

XVI. And be it enacted, That if any Person who, at or before the Date of the Commission against any such Company or Body, was a Member of such Company or Body, but not being a Person so ordered as aforesaid to prepare such Balance Sheet and Accounts, or if any other Person, shall wilfully conceal any Real or Personal Estate of any such Company or Body, and shall not within Thirty Days after the issuing of the Commission against such Company or Body discover such Estate to the Commissioner authorized to act in the Prosecution of such Commission, or to the Assignees, every such Person shall forfeit the Sum of One hundred Pounds, and Double the Value of the Estate so concealed; and any Person, other than a Person having been a Member of such Company or Body, who shall, after

Penalty on Members (other than those who are ordered to prepare the Balance Sheet) and on other Persons wilfully concealing the Estate of the Company, 100*l.*, and Double the Value of the Estate concealed, and Allowance to Persons other than Members of the Company,

for making Discovery thereof.

after the Time allowed for finishing the last Examination under such Commission, voluntarily discover to such Commissioner or the Assignees any Part of the Estate of such Company or Body not before come to the Knowledge of the Assignees, shall be allowed Five Pounds *per Centum* thereupon, and such further Reward as the major Part in Value of the Creditors present at any Meeting called for that Purpose shall think fit, to be paid out of the Estate recovered on such Discovery.

The Commissioner, after Adjudication, may order any Treasurer, &c., or Solicitor or Agent of the Bankrupt, to deliver to the Official Assignee, or to the Bank of Ireland, all Monies and Securities in his Custody or Power which he is not by Law entitled to retain as against the Bankrupt or his Assignees.

XVII. And be it enacted, That, after the Adjudication of Bankruptcy under any Commission already issued or hereafter to be issued shall have been advertised in the *Dublin Gazette*, it shall be lawful for the Commissioner authorized to act in the Prosecution of such Commission to order any Treasurer or other Officer, or any Attorney or Solicitor or other Agent of the Company or Body, or Person or Persons, adjudged bankrupt under such Commission, to pay and deliver over to the Assignee appointed under such Commission, or to the Bank of *Ireland* or any of the Branches thereof, according to the Rules now or hereafter in force with respect to Payments into the Bank of *Ireland* of Monies due to any Bankrupt's Estate, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Bankrupts, or his or their Assignees.

If any Person disobey any Rule or Order of the Commissioner duly made, the Commissioner to commit him to Prison, there to remain until he conform, or until the Commissioner or Lord Chancellor shall otherwise order.

XVIII. And it is hereby declared and enacted, That if any Person shall disobey any Rule or Order of the Commissioner of Bankruptcy authorized to act in the Prosecution of any Commission of Bankruptcy duly made by such Commissioner for enforcing any of the Purposes and Provisions of this Act, or of any other Act relating to Bankruptcy or Insolvency now or hereafter to be in force, or made or entered into by Consent of such Person for carrying into effect any of such Purposes or Provisions, it shall and may be lawful for such Commissioner, by Warrant under Hand and Seal, to commit the Person so offending to the Queen's Prison, or to the Common Gaol of any County, City, or Place where he shall be found or where he shall usually reside, there to remain without Bail or Mainprize until such Person shall have fulfilled the Duty required by such Rule or Order, or until such Commissioner or the Lord Chancellor shall make Order to the contrary.

The Commissioner may direct the Assignees of the Estate of a Company adjudged bankrupt to petition the Court of Chancery for Directions for winding up the Affairs of the Company, upon which Petition an Order of Reference may be made, and Accounts taken, and upon the Confirmation of

XIX. And be it enacted, That it shall be lawful for the Commissioner authorized to act in the Prosecution of any such Commission of Bankruptcy to direct the Creditors Assignees of the Estate and Effects of any such Company or Body to apply to the High Court of Chancery, by Petition in a summary Way to the Lord Chancellor or the Master of the Rolls, praying that all such Orders and Directions may be given as shall be necessary for the final winding up and settling the Affairs of such Company or Body, and to compel a just Contribution from all the Members of such Company or Body towards the full Payment of all the Debts and Liabilities of such Company or Body, and of the Costs of winding up and finally settling the Affairs of such Company or Body; and that upon the hearing of such Petition it shall be lawful for the said High Court of Chancery

cery to refer it to One of the Masters of the High Court of Chancery to take all such Accounts and make all such Inquiries as shall be required, for the Purpose of ascertaining what Sum of Money in the whole, and what Sums of Money as proportionate Parts of the whole, or what Sum or Sums of Money from Time to Time on account, will (having regard to the Deed of Settlement of such Company, and the Calls, Contributions, Debts, or Demands actually paid by the several and respective Members thereof, and also having regard to any Proceedings before the Commissioner of Bankruptcy,) be necessary and proper to be raised, by Calls or Contributions from the respective Members of such Company or Body, for the Payment and Satisfaction of all the Debts and Liabilities of such Company or Body, and also of all the Costs of winding up and settling the Affairs of the said Company; and that the High Court of Chancery, upon Confirmation of the Master's Report made upon any such Reference, or upon making such Reference, or otherwise, may order the Payment of the several and respective Sums of Money which by such Report are found necessary and proper to be paid, and may refer it to the Master to appoint a Receiver to collect and receive such Sums of Money, and either to pay the same into the Bank of *Ireland*, in the Name and to the Account of the Accountant General of the High Court of Chancery, to the Credit of such Company or Body, and may, upon the Petition of such Assignees, order such Sums of Money to be paid in or towards Satisfaction of the Debts which by the Proceedings in Bankruptcy shall have been found to be due to the Creditors of such Company or Body, and all Persons having Claims and Demands thereon, and also in satisfaction of Costs, or may order such Receiver to pay such Sums of Money in satisfaction of such Debts, Claims, and Demands, and Costs, in the first instance.

the Master's Report a Receiver may be appointed.

XX. And be it enacted, That if it shall appear that any individual Members of such Company or Body have Claims against each other in respect of the Affairs or Transactions of such Company or Body, it shall be lawful for the Court of Chancery, upon the Petition of any Member of such Company or Body, alleging that he hath any such Claim against any other Member of the said Company or Body, to make all such Orders as shall be just for the Purpose of finally settling and determining such Claim, and may order the Payment of such Sum of Money (if any) as shall appear to be due in respect of any such Claim.

The Court of Chancery may make Order in individual Claims of Members in respect of the Transactions of the Company.

XXI. And whereas the Law is defective in the Means of making the Members of Joint Stock Companies Contributaries for paying their Debts in full, and in the Means of giving Relief where Execution may have been had in respect of a Debt due from any such Company against One or a very few Members of such Company, and also in the Means of adjusting the Rights of the Members of any such Company amongst themselves, and finally winding up the Affairs of such Company; be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Consent of the Master of the Rolls, from Time to Time, and as often as Circumstances shall require, to make and prescribe such Rules and Orders

The Lord Chancellor, with the Advice and Consent of the Master of the Rolls, to make Rules and Orders as to the Form and Mode of Proceeding for settling and enforcing Contribution to be made by Members of Company, and the

Practice to be observed by the Court of Chancery and the Masters in such Proceeding.

Orders touching and concerning the Form and Mode of Proceeding to be had and taken in the Court of Chancery for settling and enforcing the Contribution to be paid by any Member or Members for the Time being of any such Company, or any former Member or Members thereof, or any Real or Personal Representatives or other Persons liable in that Behalf, and the Practice to be observed by such Court in or relating to such Proceeding, or any Matters incident thereto, and the Form and Mode of Proceeding to be had and taken before any One of the Masters of the said Court, primarily or by Reference from the said Court, in any Matter for or relating to Contribution, as shall from Time to Time seem necessary and proper for the Advancement of Justice in such Cases, and for adjusting and determining the Rights and Equities of the Parties concerned, and for suing for and getting in the Assets, and for ascertaining and discharging the Liabilities of such Companies, and requiring the Creditors thereof to claim their Debts, and finally winding up the Affairs thereof, with as little Delay, Expence, and Uncertainty as possible: Provided always, that such Rules and Orders shall be laid before both Houses of Parliament within One Month from the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament; and every Rule and Order so made shall be binding and obligatory and be of like Force and Effect as if the Provisions contained therein had been expressly enacted by Parliament.

The Act 41 G. 3. (U. K.) c. 90. to extend to Decrees or Orders made by the Court of Chancery in any Suit under this Act.

XXII. And be it enacted, That an Act passed in the Forty-first Year of the Reign of King *George* the Third, intituled *An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in right of the Crown of the United Kingdom of* Great Britain *and* Ireland, *and for the better Administration of Justice within the same*, shall extend to Decrees or Orders made by the said Court of Chancery in any Suit, Proceeding, or Matter under or by virtue of this Act.

Previous to passing the last Examination the Commissioner shall inquire into the Cause of the Failure of a Company, and after the last Examination shall cause a Copy of the Balance Sheet to be transmitted to the Board of Trade, and certify the Cause of the Failure, and any special Circumstances, and annex a Copy of any Examinations deemed material.

XXIII. And be it enacted, That, previous to passing the last Examination under a Commission against any such Company or Body adjudged bankrupt, it shall be the Duty of the Commissioner authorized to act in the Prosecution of such Commission, to inquire, by the Examination of such Person or Persons as such Commissioner shall think fit, into the Cause of the Failure of such Company or Body; and after the passing of such last Examination, or after the Time allowed by such Court for that Purpose shall have elapsed, such Court shall cause a Copy of the Balance Sheet filed in the Court under such Commission to be transmitted to the Committee of Privy Council for Trade and Plantations, and such Commissioner shall at the same Time certify in Writing to the said Committee what, in the Opinion of such Commissioner, was the Cause of the Failure of such Company or Body, and shall have Liberty to state any special Circumstances relating to the Formation or Management of the Affairs of such Company or Body, and shall cause to be annexed to such Certificate a Copy of the Examination of any Person or Persons taken under such Commission, and which such Commissioner shall deem material,

material, relating to the Formation or Management of the Affairs of such Company or Body.

After the Commissioner shall have certified to the Board of Trade the Cause of the Failure of such Company, the Queen, upon the Recommendation of the Board of Trade, may revoke and make void any Privileges granted to the Company, and determine the Company.

XXIV. And be it enacted, That after the Commissioner shall have certified to the Committee of Privy Council for Trade and Plantations the Cause of the Failure of any such Company or Body adjudged bankrupt, it shall and may be lawful for Her Majesty, Her Heirs and Successors, upon the Recommendation of the said Committee, by any Instrument in Writing under Her or their Great Seal of *Ireland*, to signify Her or their Pleasure for revoking and making void, and thereby to revoke and make void, all the Powers, Privileges, and Advantages at any Time by any Charter or Letters Patent or Act of Parliament granted to such Company or Body, and to determine the same, and thereupon the said Powers, Privileges, and Advantages shall accordingly be revoked, and the same Company or Body shall be determined, without any Inquisition, Scire facias, or any Matter or Thing to make void or determine the same, any thing in such Charter or Letters Patent or Act of Parliament contained to the contrary notwithstanding.

After the Court shall have certified to the Board of Trade the Cause of the Failure of any Company adjudged bankrupt, the Board may cause the Papers to be laid before the Attorney General, who shall direct as to any Proceedings thereon.

XXV. And be it enacted, That after the Commissioner shall have certified to the Committee of Privy Council for Trade and Plantations the Cause of the Failure of any such Company or Body adjudged bankrupt, the said Committee may, whenever it shall think fit, cause all the Papers relating to such Failure, and to the Formation and Management of such Company or Body, and to the Conduct of any of the Directors or other Officers of the said Company or Body therein, or to any or either of such Matters, to be laid before Her Majesty's Attorney General for *Ireland*, who shall direct whether any and what Proceedings shall be taken thereupon against any Person who was a Director or other Officer of such Company or Body, or any other Person; and any Prosecution or other Proceeding which shall be thereupon directed by the Attorney General for *Ireland* shall be conducted by or under the Direction of the Commissioners of Her Majesty's Treasury.

Until Determination of Company by the Crown, it shall be considered as subsisting for the original Purposes, and, notwithstanding such Determination, shall be considered as subsisting so far as necessary for winding up.

XXVI. Provided always, and be it enacted, That, until the Determination of such Company or Body by Her Majesty, Her Heirs or Successors, such Company or Body, and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting, and as continuing such Officers as aforesaid, for all the Purposes for which the same was originally constituted, and that, notwithstanding such Determination as aforesaid, the same shall be considered as subsisting and continuing respectively so long and so far as may be necessary for the winding up of the Concerns of such Company or Body under the Commission issued against such Company or Body.

Notwithstanding Determination of Company in any other Manner, the same to be considered as

XXVII. And be it enacted, That, notwithstanding the Determination of any Company or Body incorporated or associated within the Meaning of this Act, as the Case may be, by any other Means than as last aforesaid, such Company or Body, and the Persons who were

subsisting so long as any Matters remain unsettled.

were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting and as continuing such Officers as aforesaid, for all the Purposes of this Act, so long and so far as any Matters relating to such Company or Body shall remain unsettled.

Any Member of a Company adjudged bankrupt, with Knowledge of or in contemplation of a Bankruptcy, destroying or falsifying Books &c. of the Company, or making false Entries, &c., guilty of a Misdemeanor.

XXVIII. And be it enacted, That if any Person, being a Member of any such Company or Body which shall be adjudged bankrupt shall, after and with Knowledge of an Act of Bankruptcy within the Meaning of this Act committed by such Company or Body, or in contemplation of the Bankruptcy of such Company or Body, have destroyed, altered, mutilated, or falsified any of the Books, Papers, Writings, or Securities of such Company or Body, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud the Creditors of such Company or Body, or to defeat the Object of this or any other Statute relating to Bankrupts, every such Person shall be deemed to be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned in any Common Gaol or House of Correction for any Term not exceeding Three Years, with or without hard Labour.

If Joint Stock Company shall have Establishments or carry on Business in England and Ireland, it shall be deemed an English Company if Head Office shall last have been in England, or an Irish Company if Head Office shall last have been in Ireland.

XXIX. And whereas an Act was passed in the last Session of Parliament, intituled *An Act for facilitating the winding up of Joint Stock Companies unable to meet their pecuniary Engagements*, the Provisions whereof are applicable to Companies carrying on Business in *England*: And whereas several Joint Stock Companies already have and other Joint Stock Companies may hereafter have Establishments, and have carried on or may carry on Business, both in *England* and *Ireland*; be it therefore enacted, That in all Cases in which any such Joint Stock Company as in this Act and the said recited Act respectively is specified, and made subject to the Provisions thereof, shall have had or hereafter shall have an Establishment or Establishments, or shall have carried on or hereafter shall carry on Business, both in *England* and *Ireland*, if the Head Office of such Company be or shall last have been in *England* such Company shall be deemed to be an *English* Company, and within and subject to the Provisions of the said recited Act, and not of this Act, and if the Head Office be or shall last have been in *Ireland* such Company shall be deemed to be an *Irish* Company, and within and subject to the Provisions of this Act, and not of the said recited Act.

Construction of the Act.

XXX. And be it enacted, That in construing this Act all Powers given or Duties directed to be performed by the Lord Chancellor may be performed by the Lord Keeper or Lords Commissioners of the Great Seal of *Ireland*; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and Bodies Corporate as well as Individuals; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; unless (in the Cases above specified) a different Construction shall

be

be provided, or the Construction be repugnant to the Subject Matter or Context.

Act to extend only to Ireland.

XXXI. And be it enacted, That this Act shall extend only to *Ireland*, except where there is any special Provision to the contrary.

Commencement of Act.

XXXII. And be it enacted, That this Act shall commence and take effect on the First Day of *November* next.

Alteration of Act.

XXXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

No. 1.

Declaration of Insolvency by incorporated or associated commercial or trading Company.

By virtue of a Resolution duly passed in that Behalf on the Day of at a Board of Directors of [*here state the Name or Style of the Company*], duly summoned for that Purpose, it is hereby declared, that the said Company [*or* Society, *&c., as the Case may be,*] is unable to meet its Engagements.

Dated this Day of in the Year

[*Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.*]

Witness *G.H.*, Attorney [*or* Solicitor] of the Court of and Attorney [*or* Solicitor] of the said Company, and attesting Witness to the Execution hereof as such Attorney [*or* Solicitor].

SCHEDULE (A.)

No. 2.

Minute of Resolution of a Board of Directors of incorporated or associated commercial or trading Company, authorizing a Declaration of Insolvency.

A Resolution was duly passed on the Day of at a Board of Directors of [*here state the Name or Style of the Company*], duly summoned for that Purpose, that the said Company was then unable to meet its Engagements, and that a Declaration of Insolvency should be forthwith filed in the Office of the Lord Chan-

cellor's Secretary of Bankrupts, in the Form directed by the Statute in that Case made and provided.

[*Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.*]

Witness *G.H.*, Attorney [*or* Solicitor] of the Court of ——— and Attorney [*or* Solicitor] of the said Company, and attesting Witness to the Execution hereof as such Attorney [*or* Solicitor].

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

CAP. XCIX.

An Act to amend an Act of the Tenth Year of His late Majesty King *George* the Fourth, for consolidating and amending the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; and for other Purposes relating to the said Land Revenue. [4th *August* 1845.]

WHEREAS by an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases, of the Land Revenue of the Crown within the Survey of the Exchequer in* England, *and of the Land Revenue of the Crown in* Ireland; *and for extending certain Provisions relating to the same to the Isles of* Man *and* Alderney, it was (amongst other things) enacted, that it should be lawful for the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, as therein is mentioned, from Time to Time to demise and lease, or to enter into any Contract or Agreement for demising and leasing, any Part or Parts of the Possessions and Land Revenues of the Crown to which the now reciting Act related, to any Person or 10 G.4. c. 50.

Persons,

Persons, or Body or Bodies Politic, Corporate, or Collegiate, for any Term not exceeding Ninety-nine Years from the Time of making such Lease or Agreement; (that is to say,) amongst other Hereditaments, of Land or Ground proper for the Erection of any Houses or other Buildings thereupon, with or without Gardens, Yards, Curtilages, and other Appurtenances to be used therewith, and where the Lessee or intended Lessee should covenant or agree to erect a Building or Buildings thereon of greater yearly Value than such Land or Ground; and it was further enacted, that in every Lease to be granted under the Power therein-before given there should be reserved and made payable, during the whole of the Term thereby granted, such clear yearly Rent as to the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues should appear a reasonable Rent or Consideration for such Lease, without taking any Fine for the same, except as therein-before mentioned; and it was further enacted, that in any Lease to be granted, under any of the Powers therein-before given, of any Land or Ground, Tenements, or Hereditaments, where, at the Time of granting such Lease, (or, if such Lease should be granted in pursuance of a previous Agreement, at the Time when such Agreement should have been made,) there should not be any substantial Building or Buildings upon the Land or Ground to be demised, and the Lessee or Lessees should agree to erect on such Land or Ground any Building or Buildings of greater yearly Value than the Land or Ground demised or agreed to be demised, it should be lawful to reserve, during any Period not exceeding the first Three Years of the Term thereby granted, a nominal Rent or such other Rent only as to the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues should seem fit; and it was also further enacted, that before the making or entering into any Agreement for making any Lease by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the Powers therein-before contained, a Survey of the Part or Parts of the Possessions and Land Revenues of the Crown proposed to be leased, where the same should be capable of such Survey, and an Estimate of the Value thereof, should be taken and made as in the said Act is mentioned: And whereas by an Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for uniting the Office of Surveyor General of His Majesty's Works and Public Buildings with the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and for other Purposes relating to the Land Revenues*, it was enacted, that the Persons to be appointed as therein mentioned, and their Successors, should be called "The Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings," and that all Acts of Parliament, Deeds, Bonds, Contracts, Agreements, and other Instruments in which the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Works and Public Buildings, were named or mentioned, should apply to the Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, so to be appointed as therein mentioned, as if such last-mentioned Commissioners had been originally named and made Parties to such Acts of Parliament, Deeds, Bonds, Contracts,

2 & 3 W. 4. c. 1.

Contracts, Agreements, and other Instruments, instead of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and the Surveyor General of His Majesty's Works and Public Buildings: And whereas an Act was passed in the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to extend and enlarge the Powers of the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings in relation to the Management and Disposition of the Land Revenue of the Crown in* Scotland: And whereas it is expedient that the said Powers of leasing contained in the said recited Acts should be altered and extended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in the Execution of the Powers of leasing or agreeing to lease in the said recited Acts contained of any Land or Ground by the said Acts authorized to be leased for any Term not exceeding Ninety-nine Years, it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the Time being, to demise and lease, or to enter into any Contract or Agreement for demising and leasing, all the Estate, Right, Title, and Interest of Her Majesty, Her Heirs and Successors, in right of Her Crown, of and in any Portions of the Shore of the Sea or any Arms thereof, or of navigable Rivers or Lands, derelict or gained, or which may hereafter become derelict or be gained, from the Sea or any Arms thereof, or navigable Rivers, as by the said recited Acts is provided with regard to Land or Ground thereby authorized to be leased for any Term not exceeding Ninety-nine Years as aforesaid, except that when the Lessee or Lessees shall covenant and agree to make any Embankments, or do other Acts, in the Opinion of the said Commissioners necessary or expedient for the reclaiming any such Land, or to construct or erect Wharfs, Docks, or other Works thereon, or on any Part thereof, to the Satisfaction of the said Commissioners and for the permanent Improvement of the Value of the said Land, it shall not be necessary that such Lessee or Lessees should agree or enter into any Contract to erect on such Land, or any Part thereof, any Building or Buildings, other than and except as aforesaid.

3 & 4 W. 4. c. 69.

Commissioners of Woods, &c. may demise or lease any Portion of the Shore of the Sea or navigable Rivers or Lands derelict or gained from the Sea, or hereafter to become so, for any Term not exceeding 99 Years, where Lessee shall covenant to embank or to construct Docks, &c. thereon.

II. And be it enacted, That when any Leases shall be granted or Agreements entered into after the passing of this Act, in pursuance of the Powers in the said recited Acts or this Act contained, of any Land or Ground, and whereon or on any Part whereof any Person or Persons to whom any such Leases may be granted, or with whom any such Agreements may be entered into, may have erected any Buildings which in the Opinion of the said Commissioners were erected in Ignorance of the Crown's Title to such Land, then such Leases may be granted or Agreements entered into in all respects as by the said recited Acts is provided, but without reference to or taking into consideration the Value of the Buildings so erected, and with reference only to the Value of the Land for Building Ground, either at the Time of the Erection of such Buildings, or at the

When any Persons have erected Buildings on Crown Lands in Ignorance of Title of the Crown, Commissioners to grant such Leases as by recited Acts is provided, with reference only to Value of Land as Building Ground.

the Time of granting the said Lease, or of entering into the said Agreement, as the said Commissioners may think fit.

Leases heretofore granted of Ground intended to be applied for Building Purposes, reserving different Rents for different Portions of the Term, instead of one uniform Rent, confirmed.

III. And whereas, in the Execution of the Powers of granting Leases in the said first-recited Act contained, Leases have from Time to Time been granted of certain Parcels of Ground intended to be applied for Building Purposes; and by reason that the ultimate Value could only be ascertained and realized after a long Period, instead of one uniform Rent having been reserved in respect thereof during the whole Term of the Lease so granted as aforesaid, different Rents for different Portions of the Term for which such Leases were granted have been reserved therefore, as being the most beneficial Mode of disposing of such Ground for Building Purposes; and inasmuch as Doubts may be entertained as to the Validity of such Leases, by reason of such varying Amount in the Rents reserved, instead of one uniform Rent during the Term granted, it is expedient that such Doubts should be removed; now therefore be it enacted, That all such Leases so granted as aforesaid, so far as regards any Doubts which may arise with respect to any such Reservation of Rent as aforesaid, shall be as from the making thereof absolutely confirmed, and shall be taken to have been made within the Powers of the said first-mentioned Act contained, any thing therein to the contrary notwithstanding.

Commissioners, in future Exercise of Powers given of granting Leases for 99 Years, to reserve either one uniform Rent, or separate Rents for separate Parts of the Term.

IV. And be it enacted, That from and after the passing of this Act, in the Exercise of the Powers in the said first-recited Act or in this Act contained with regard to Ground authorized to be let or agreed to be let for any Term not exceeding Ninety-nine Years for Building Purposes, where the Lessee or Lessees shall agree to erect Buildings thereon, or otherwise, as herein-before mentioned, or on any Part thereof, the said Commissioners may, if they shall think fit, either reserve one uniform Rent in respect thereof, or may reserve separate Rents for separate Parts of the Term demised or agreed to be demised, varying in such Manner as may be determined on by the said Commissioners for the Time being, instead of one uniform Rent during the said Term; but all and every the Leases or Agreements for Leases by the said Act or this Act authorized to be granted or entered into shall in all respects be made and entered into in the Manner and subject in all respects as by the said first-recited Act is provided, except as far as the Terms and Provisions of the said first-recited Act, as to the granting and making such Leases and Agreements as aforesaid, are hereby altered or extended.

Where any Licence or Waiver of Forfeiture reserved in any Lease of the Land Revenues of the Crown shall be given by the Commissioners, such Li-

V. And be it enacted, That where any Licence or Waiver of any Forfeiture or Power of Re-entry reserved in any Lease heretofore granted or hereafter to be granted of the Possessions or Land Revenues of the Crown shall at any Time after the passing of this Act be given by the said Commissioners or any Two of them, (which they are hereby authorized to do, by any Memorandum in Writing, without Stamp,) every such Licence or Waiver shall, unless otherwise expressed, only extend to the actual Breach of the particular Covenant or Condition in respect of which the same is given, or to any specific Breach of any Proviso or Covenant made or to be made, but not so as to prevent

any Proceeding for any subsequent Breach or Omission (unless otherwise specified in such Licence), or to the actual Assignment, Under-lease, or other Matter thereby specifically authorized to be done; and all Rights under Covenants and Powers of Forfeiture and Re-entry in the Lease contained shall remain in full force and virtue, and shall be available as against any subsequent Breach of Covenant or Condition, Assignment, Under-lease, or other Matter not specifically authorized or made dispunishable by such Licence or Waiver, in the same Manner as if no such Licence or Waiver had been given; and the Condition or Right of Re-entry shall be and remain in all respects as if such Licence or Waiver had not been given, except in respect of the particular Matter waived or authorized to be done or omitted.

cence, &c. shall extend only to the Breach of the particular Covenant, and not prevent Proceeding for subsequent Breach.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, in the Execution of the Powers contained in the said Act passed in the Tenth Year of King *George* the Fourth, to accept a Surrender of any Lease of any of the Possessions or Land Revenues of the Crown, and to grant separate Leases of the Hereditaments so surrendered, for the Residue of the Term for which such surrendered Hereditaments were held, and to apportion the Rent reserved in or by any such surrendered Lease, as they shall think fit; and any Leases which may heretofore have been made on any such Surrender as aforesaid, and which might have been made if this Act had passed, are (so far as relates to any Question as to the Validity of any such Surrender and Re-grant) hereby confirmed.

Commissioners may accept a Surrender of any Lease, and grant separate Leases of the Hereditaments so surrendered, and apportion the Rent reserved by the surrendered Lease;

VII. And be it enacted, That whenever a Surrender shall be made of any existing Lease, for the Purpose of taking a new Lease or Leases by virtue of this Act, the new Lease or Leases shall be taken to be a Renewal of the surrendered Lease, within the Scope and Meaning of the Sixth Section of an Act passed in the Fourth Year of the Reign of King *George* the Second, intituled *An Act for the more effectual preventing Frauds committed by Tenants, and for the more easy Recovery of Rents and Renewal of Leases*, so far as to render unnecessary the Surrender of any Under-leases previously to the granting of such new Lease or Leases, and to give full Effect to such new Lease in all respects, notwithstanding any Under-lease or Under-leases may not be surrendered.

and whenever a Surrender shall be made for the Purpose of taking a new Lease, the new Lease shall be taken to be a Renewal of the surrendered Lease.

VIII. And whereas in many of the Leases of Crown Lands there is contained a Covenant on the Part of the Lessee to insure the Buildings therein against Fire in the Names of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and in many Cases such Covenants have not been strictly observed, by reason of the Changes of the said Commissioners, or otherwise; and it is expedient that the Lessees should be relieved from the Forfeiture incurred by such Non-observance of Covenants, and that some Provision should be made for facilitating the due Observance thereof in future; be it enacted, That where in any Lease heretofore made, or which shall at any Time hereafter be made, in pursuance of the Powers in the said Act of the Tenth Year of King *George*

Commissioners may relieve Tenants from Forfeiture by reason of Non-compliance with their Covenants to insure Buildings in Names of the Commissioners for the Time being;

George the Fourth or in this Act contained there shall be contained a Covenant on the Part of the Lessee to insure against Fire the Buildings erected, or the Hereditaments therein comprised it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the Time being, or any Two of them, at their Discretion, to release by Licence or Waiver, as herein before is provided, the Tenant or Lessee from any such Covenant, whether Default has been made in the same or not, or for any particular Breach thereof; and where any such Insurance is covenanted to be made in the Names of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the Time being, or in the joint Names of the same Commissioners and any other Person or Persons, or otherwise, it shall be lawful for the said Commissioners for the Time being, or any Two of them, at their Discretion, to designate in Writing any Person or Persons in whose Name or Names such Insurance is to be made in lieu of the Names of the said Commissioners for the Time being; and the Name or Names of such Person or Persons shall be in all respects equivalent to the Names of the said Commissioners for the Time being, for the Purposes of any such Insurance and Covenant, and shall so continue until such Designation as aforesaid shall be revoked in Writing, and a new Person or Persons appointed for the Purposes aforesaid by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the Time being, or any Two of them; and any such Insurance may be made in the Name of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, as if they were a Corporation, or jointly in such Name and in the Name or Names of any other Person or Persons; and the Commissioners aforesaid, from Time to Time, by the Name of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, alone or jointly with any other Person or Persons, as the Case may be, shall sue and recover and receive under any Policy so effected as aforesaid, in all respects by such Name as aforesaid, and as if they were incorporated by such Name; and any Insurance made in the Name or Names of the Person or Persons so nominated as aforesaid, either solely or jointly with any other Person or Persons (as the Case may be), or in the Name of the said Commissioners as aforesaid, and either jointly or solely as aforesaid, and as the said Commissioners for the Time being, or any Two of them shall direct, shall be and be deemed to all Intents and Purposes a Compliance with and Performance of any Covenant already entered into or hereafter to be entered into to insure in the Names of the said Commissioners for the Time being, either solely or jointly with any other Person or Persons, or otherwise.

and may designate in Writing any Persons in whose Names such Insurance is to be made instead of the Names of the Commissioners;

or any such Insurance may be made in Name of Commissioners of Woods, &c. as if they were a Corporation, or jointly in such Name and the Names of any other Persons;

and such an Insurance shall be deemed a Compliance with the Covenant.

Where a Tenant of Crown Lands has transferred or may hereafter transfer any Stock for Redemption or Purchase of

IX. And whereas by the Act of the Thirty-eighth Year of His late Majesty King *George* the Third, for the Redemption of the Land Tax, the Tenants of Crown Lands were excepted from the general Preference in purchasing or redeeming the Land Tax therein given to Persons having any Estate or Interest in Lands or Hereditaments wherein any Land Tax was chargeable: And whereas by the Act of the Forty-second Year of the Reign of His said Majesty King *George* the Third, for making further Provisions for the Redemption

of the Land Tax, after mentioning that it might have happened that Tenants or Lessees of Crown Lands had redeemed the Land Tax charged thereon, and had transferred the Consideration for the Redemption thereof as if they had been empowered to contract for the same, as was by the last-mentioned Act provided that it should be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, for the Time being, in all such Cases to cause to be transferred to any such Lessees or Tenants so much Capital Stock as should be equivalent in Amount to the Stock transferred by such Lessees or Tenants for the Redemption of such Land Tax which ought not to have been contracted for, and thereupon His Majesty, His Heirs and Successors, should be entitled to the Benefit of such Land Tax: And whereas by the aforesaid Act of the Tenth Year of His late Majesty King *George* the Fourth it was enacted, that it should be lawful for the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues to redeem the Land Tax charged on any Part of the Possessions of the Crown, and to purchase any Land Tax on any Part thereof which might have been redeemed or should be redeemed by any other Person or Persons, but such Provision was not to authorize any Person or Persons to purchase or redeem the Land Tax charged on any Crown Lands contrary to the Provisions of the said Act of the Forty-second Year of King *George* the Third: And whereas Lessees or Tenants of Crown Lands may have entered into, or may hereafter enter into, Contracts for the Purchase or Redemption of the Land Tax on such Lands, and may have transferred or may transfer to the Commissioners for the Reduction of the National Debt Sums of Three *per Centum* Bank Annuities, as the Consideration for the Purchase or Redemption of such Land Tax, in Ignorance of the Exception in the said Act of the Thirty-eighth Year of the Reign of His said Majesty King *George* the Third, herein before referred to, and it is expedient that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the Time being should be empowered to reimburse such Tenants or Lessees, their Executors, Administrators, or Assigns, as after mentioned, and that thereupon such Crown Lands as aforesaid should become exempt from Land Tax; be it therefore enacted, That in any Case where any Tenant or Lessee of any Part of the Possessions of the Crown to which the said Act of the Tenth Year of King *George* the Fourth or this Act relates shall have transferred, or at any Time hereafter shall transfer, any Sum or Sums of Stock into the Names of the Commissioners for the Reduction of the National Debt, for the Purpose of purchasing or redeeming the Land Tax on the Crown Lands of which such Person was or shall be such Tenant or Lessee, and such attempted Purchase or Redemption shall be invalid or doubtful under the aforesaid Provision of the said Act of the Thirty-eighth Year of King *George* the Third, it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the Time being, with the Consent in Writing of the Lord High Treasurer for the Time being, or of any Three of the Commissioners of Her Majesty's Treasury for the Time being, by and out of the annual Income of the Land Revenues of the Crown, to purchase and cause to be transferred to any such Lessee or Tenant, as aforesaid, his Executors, Administrators, or Assigns, so much Stock as,

Land Tax on such Lands in ignorance of the Exception in 38 G. 3., the Commissioners may transfer to such Tenant so much Stock as shall be a Compensation for the Stock transferred by such Tenant;

to

as, under all the Circumstances of the Case, shall, in the Judgment of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, be a due Compensation for the Stock so transferred by such Tenant or Lessee; and upon the Execution by the Party to whom such Stock shall be so transferred of an Instrument in Writing acknowledging the Transfer thereof (to be enrolled in the Office of Land Revenue Records and Enrolments), the Lands on which the Land Tax shall have been so attempted to be purchased or redeemed by such Tenant or Lessee as aforesaid shall become and be absolutely freed and discharged of and from the Payment of the Land Tax, and all Arrears thereof; Provided always, that during the Continuance of the Estate of any such Tenant or Lessee, his Executors, Administrators, or Assigns, by whom such attempted Purchase or Redemption of Land Tax as aforesaid shall have been made, Her Majesty, Her Heirs and Successors, shall have and be entitled to a Rent-charge to be issuing out of such Lands the Land Tax whereof shall have been so redeemed, equal in Amount to the Land Tax redeemed; and such Rent shall be payable yearly, and shall be recovered by Distress as in case of Rent reserved on Lease.

Such Parts of an Estate near Millbank, Westminster, now vested in Her Majesty, as have not been required for Purposes of the Penitentiary to be under the Management of Commissioners of Woods, &c. as Part of the Land Revenues of the Crown;

X. And whereas it is expedient that such Parts of an Estate situate at or near *Millbank* in the City of *Westminster* and County of *Middlesex*, and now vested in Her Majesty, Her Heirs and Successors, as have not been required for the Purposes of the Penitentiary at *Millbank*, should be let on Building Leases, or otherwise advantageously disposed of; be it therefore enacted, That such Parts of the said Estate and Hereditaments at *Millbank* aforesaid as have not been used for the Purpose of the said Penitentiary shall be under the Management of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, in like Manner in all respects as the Possessions and Land Revenues of the Crown to which the said Act of the Tenth Year of King *George* the Fourth relates are under the Management of the same Commissioners under or by virtue of the last-mentioned Act, or any other Act or Acts now made or hereafter to be made; and the said Hereditaments shall be taken and considered as Part of the Possessions and Land Revenues of the Crown to which the said Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth relates; and every Grant, Lease, or Agreement of such Parts of the said Hereditaments, already made or entered into by the said last-mentioned Commissioners, is hereby confirmed, in all respects as if the same had been made or entered into after the passing of this Act.

and Grants, &c. already made confirmed.

Commissioners of Woods, &c. empowered to purchase the Grapes Tavern at Kensington, for the Purpose of Improvements.

XI. And whereas an Act was passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to authorize Her Majesty's Commissioners of Woods to grant Building Leases of the Royal Kitchen Garden at* Kensington, *and to form and improve other Royal Gardens; and to enable the said Commissioners to purchase Lands of Copyhold or Customary Tenure:* And whereas another Act was passed in the Fifth Year of the Reign of Her present Majesty (Session 2), intituled *An Act to empower the Commissioners of Her Majesty's*

Majesty's Woods to form a new Opening from the Knightsbridge *Road into* Hyde Park, *and a new Opening from* High Street, Kensington, *into an intended new Road across the* Palace Green, *and for annexing a Piece of extra-parochial Ground in the Royal Garden to the respective Parishes of* Saint Mary Abbots Kensington *and* Saint Mary Paddington *in several Portions*: And whereas the Opening from *High Street, Kensington*, into the new Road across the *Palace Green*, contemplated by the last-mentioned Act, has been made, but the same being narrow and confined it is desirable and expedient that such Opening should be widened and enlarged; be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and on behalf of Her Majesty, and they are hereby empowered, with the Consent and Approbation of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom, or any Three or more of them, to purchase a certain Piece or Parcel of Ground, Messuage or Tenement, and Buildings, with the Appurtenances, situate on the North Side of *High Street, Kensington*, in the County of *Middlesex*, known as the *Grapes* Tavern, and all subsisting Terms, Estates, Charges, and Interests therein, and to pull down such Buildings when so purchased, and to appropriate the Site thereof, or any Part thereof, towards widening the said Entrance or Approach from *High Street, Kensington*, aforesaid, into the new Road across the *Palace Green* aforesaid.

Powers in 10 G. 4. c. 50. (as far as applicable) to extend to the said Premises.

XII. And be it enacted, That all the Powers and Provisions contained in the herein-before recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth, with reference to Contracts and Sales to be made to and with His Majesty, His Heirs and Successors, or to and with the Commissioners of His Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, shall, so far as the same are applicable, extend and apply to the said Piece or Parcel of Ground, Messuage, and Buildings, with the Appurtenances, known as the *Grapes* Tavern, at *Kensington* aforesaid, and to the Owners or Occupiers thereof, or other Parties in anywise interested therein; and all the Provisions in the said Act as regards Stamps shall apply to this Act: Provided always, that nothing herein contained shall authorize the said Commissioners to take or use the said last-mentioned Premises against the Consent of the Parties interested therein, and by the Act last herein-before mentioned authorized and empowered to convey the same.

All Monies paid by the Commissioners for said Premises, and for Purchase of Houses in High Street, Kensington, described in Schedule to 5 & 6 Vict. c. 19., and

XIII. And be it declared and enacted, That all Monies paid or to be paid by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for or incident to the Purchase of the *Grapes* Tavern, with its Appurtenances, aforesaid, and all Monies paid or to be paid by the said Commissioners for or incident to the Purchase of the Houses and Hereditaments in *High Street, Kensington*, aforesaid, described in the Schedule to the herein-before recited Act of the Fifth Year of the Reign of Her present Majesty (Session 2), and also all the Costs and Expences incurred or to be incurred by the said Commissioners in forming and completing

Costs of forming Roads, &c., to be recouped to Commissioners before any Surplus shall be applicable for Purposes of that Act.

completing Roads or Sewers upon or across or otherwise in appropriating and adapting for Building Purposes the Ground at or near *Kensington*, mentioned in the Schedule to the herein-before first-recited Act of the Fifth Year of the Reign of Her present Majesty, shall be taken into account, and recouped to the Funds or Property under the Charge of the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, before any Surplus shall be deemed to have arisen or become applicable for the Purposes mentioned in the said last herein-before mentioned Act of the Fifth Year of the Reign of Her present Majesty.

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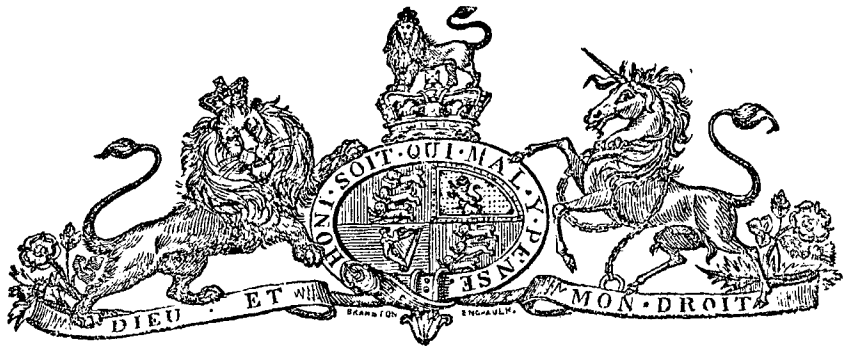

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

CAP. C.

An Act for the Regulation of the Care and Treatment of Lunatics. [4th *August* 1845.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating for Three Years, and from thence until the End of the then next Session of Parliament, the Care and Treatment of Insane Persons in* England; and an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to amend an Act of the Second and Third Year of His present Majesty, for regulating the Care and Treatment of Insane Persons in* England; and an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts of the Second and Third Year and the Third and Fourth Year of His present Majesty, relating to the Care and Treatment of Insane Persons in* England; and an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to continue for Three Years, and from thence to the End*

The following Acts repealed, except as they repeal other Acts:

2 & 3 W. 4. c. 107.

3 & 4 W. 4. c. 64.

5 & 6 W. 4. c. 22.

1 & 2 Vict. c. 73.

End of the then next Session of Parliament, Two Acts relating to the Care and Treatment of Insane Persons in England; and an Act passed in the Session of Parliament holden in the Fifth Year of the Reign of Her said present Majesty, intituled *An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts relating to the Care and Treatment of Insane Persons in* England; and an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her said present Majesty, intituled *An Act to amend, and continue for Three Years, and from thence to the End of the next Session of Parliament, the Laws relating to Houses licensed by the Metropolitan Commissioners and Justices of the Peace for the Reception of Insane Persons, and for the Inspection of County Asylums and Public Hospitals for the Reception of Insane Persons*, shall be and the same are hereby repealed, save and except so far as they or any of them repeal any other Act: Provided always, that until the Appointment for any Jurisdiction of Visitors and their Clerk under the Provisions of this Act the Visitors and Clerk appointed for such Jurisdiction under the said repealed Acts or any of them shall respectively have and perform the Powers, Authorities, and Duties which they would have respectively had or performed if appointed under this Act: Provided also, that all Licences heretofore granted shall remain in force for the Periods for which they were respectively granted, unless revoked as herein-after provided; and that all Orders, Matters, and Things which have been granted, made, done, or directed to be done in pursuance of the said repealed Acts or any of them shall be and remain as good, valid, and effectual to all Intents and Purposes as if the said repealed Acts had not been repealed, except so far as such Orders, Matters, or Things are expressly made void or affected by this Act; and that all Fees, Charges, and Expences which have become payable under the said repealed Acts or any of them shall be payable in the same Manner and from the same Funds as would have been applicable thereto in case such Acts had not been repealed.

5 Vict. c. 4.

5 & 6 Vict. c. 87.

Proviso that present Visitors and Clerk shall act under this Act till new ones are appointed; and that Licences heretofore granted shall remain in force, unless, &c.

Commissioners in Lunacy under 5 & 6 Vict. c. 84. to be henceforth called "The Masters in Lunacy."

II. And be it enacted, That the Persons already appointed and hereafter to be appointed under an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to alter and amend the Practice and Course of Proceeding under Commissions in the Nature of Writs De lunatico inquirendo*, whereby the Lord Chancellor is empowered to appoint Two Persons, to be called "The Commissioners in Lunacy," shall henceforth be and be called "The Masters in Lunacy," and shall take the same Rank and Precedence as the Masters in Ordinary of the High Court of Chancery.

Appointment of "The Commissioners in Lunacy."

III. And be it enacted, That the Right Honourable Lord *Ashley*, the Right Honourable Lord *Seymour*, the Right Honourable *Robert Vernon Smith*, *Robert Gordon* of *Lewiston* in the County of *Dorset*, Esquire, *Francis Barlow* of *Montagu Square*, Esquire, *Thomas Turner* of *Curzon Street*, Esquire, *Henry Herbert Southey* of *Harley Street*, Esquire, *John Robert Hume* of *Curzon Street* aforesaid, Esquire, *Bryan Waller Procter* of *Gray's Inn*, Esquire, *James William Mylne* of *Lincoln's Inn*, Esquire, and *John Hancock Hall* of the *Middle Temple*,

Temple, Esquire, (which said *Thomas Turner*, *Henry Herbert Southey*, and *John Robert Hume*, and no other of the said Persons, are Physicians, and which said *Bryan Waller Procter*, *James William Mylne*, and *John Hancock Hall*, and no other of the said Persons, are practising Barristers at Law of Ten Years standing at the Bar and upwards,) and their respective Successors, to be appointed as herein-after provided, shall be Commissioners for the Purposes of this Act, to be called "The Commissioners in Lunacy;" and that such Commissioners for the Time being shall respectively hold their Offices during good Behaviour, and shall not, so long as they shall remain such Commissioners, and receive any Salary under this Act, accept, hold, or carry on any other Office or Situation, or any Profession or Employment, from which any Gain or Profit shall be derived; and that there shall be paid to each of the Six Commissioners for the Time being who shall be Physicians, Surgeons, or Barristers of Five Years standing and upwards, out of the Monies or Funds herein-after mentioned, over and above their respective travelling and other Expences whilst employed in visiting any Houses, Hospitals, Asylums, Gaols, Workhouses, or other Places, in pursuance of this Act, the yearly Salary of One thousand and five hundred Pounds, by Four equal quarterly Payments, on the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, the Twenty-fifth Day of *March*, and the Twenty-fourth Day of *June* in every Year, the first of each such Payments (or a proportionate Part thereof, to be computed, in the Case of the Commissioners appointed by this Act, from the passing of the Act, and in case of the Commissioners to be appointed as herein-after provided, from the Time of the respective Appointments of such Commissioners,) to be made to such Commissioners respectively on such of the same Days of Payment as shall first happen after the passing of this Act, or after the Dates of their respective Appointments, as the Case may be.

In case of Death, Disqualification, Refusal, or Inability of Commissioners, others to be appointed.

IV. And be it enacted, That as often as any Commissioner appointed by this Act or to be appointed under this present Provision shall die, or be removed for Ill-behaviour, or be disqualified, or resign, or refuse to act, or become unable by Illness or otherwise to perform the Duties or exercise the Powers of this Act, the Lord Chancellor shall appoint a Person to be a Commissioner in the Room of the Commissioner who shall die, or be removed, or be disqualified, or resign, or refuse or become unable to act as aforesaid, but so that every Person so appointed in the Room of a Physician shall be a Physician or Surgeon, and every Person so appointed in the Room of a Barrister of Five Years standing at the Bar and upwards shall be a practising Barrister of not less than Five Years standing at the Bar, and every Person appointed in the Room of any other Commissioner shall be neither a Physician nor a Surgeon, nor a practising Barrister; and until such Appointment it shall be lawful for the continuing Commissioners or Commissioner to act as if there were no such Vacancy.

Provision to retiring Pension to incapaci-

V. And be it enacted, That any Superannuation Allowance to be granted to any Commissioner appointed or to be appointed under this Act shall be granted only in respect of Services performed under

tated Commissioners. 4 & 5 W. 4. c. 24.

under this Act, and shall be subject to the Provisions of an Act passed in the Fourth and Fifth Years of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensation, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*, so far as such Provisions relate to Officers and Clerks who had entered or might enter the Public Service subsequent to the Fourth Day of *August* One thousand eight hundred and twenty-nine.

Commissioners to take the following Oath.

VI. And be it enacted, That every Person hereby or hereafter appointed a Commissioner under this Act shall, before he acts in the Execution of his Duty as a Commissioner, take an Oath to the following Effect; (that is to say,)

'I *A.B.* do swear, That I will discreetly, impartially, and faithfully execute all the Trusts and Powers committed unto me by virtue of an Act of Parliament made in the Ninth Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of the Act*]; and that I will keep secret all such Matters as shall come to my Knowledge in the Execution of my Office (except when required to divulge the same by legal Authority, or so far as I shall feel myself called upon to do so for the better Execution of the Duty imposed on me by the said Act). So help me GOD.'

Which Oath it shall be lawful for the Lord Chancellor to administer to every such Commissioner; and any Three of the Commissioners who shall have previously taken the Oath are hereby authorized to administer such Oath to any other Commissioner.

Commissioners to have a Common Seal.

VII. And be it enacted, That the Commissioners shall cause to be made a Seal of the Commission, and shall cause to be sealed or stamped therewith all Licences, Orders, and Instruments granted or made, or issued, or authorized by the Commissioners, in pursuance of this Act, except such Orders or Instruments as are herein-after required or directed to be given or signed and sealed by One Commissioner or Two Commissioners; and all such Licences, Orders, and Instruments, or Copies thereof, purporting to be sealed or stamped with the Seal of the Commission, shall be received as Evidence of the same respectively, and of the same respectively having been granted, made, issued, or authorized by the Commissioners, without any further Proof thereof; and no such Licence, Order, or Instrument, or Copy thereof, shall be valid, or have any Force or Effect, unless the same shall be so sealed or stamped as aforesaid.

Commissioners to elect a permanent Chairman.

VIII. And be it enacted, That the Commissioners or any Five of them shall, as soon as may be after the passing of this Act, meet at the usual Office or Place of Business now occupied or used by the Metropolitan Commissioners in Lunacy, or at such other Place as the Lord Chancellor shall direct, and elect One of the same Commissioners (not being a Physician or a Barrister receiving any Salary by virtue of this Act) to be the permanent Chairman of the Commission; and in case such permanent Chairman, or any other permanent Chairman who shall thereafter be elected in pursuance of this Provision, shall die, or decline or become incapable to act as

Chairman, or shall cease to be a Commissioner, then and as often as the same shall happen the Commissioners for the Time being, or any Five of them, at any Meeting to be specially summoned for that Purpose, shall elect another Person to be the permanent Chairman of the Commission in the Place of the Chairman who shall so die, or decline or become incapable to act, or cease to be a Commissioner as aforesaid; and in case the permanent Chairman for the Time being shall be absent from any Meeting it shall be lawful for the Majority of the Commissioners present at any such Meeting to elect a Chairman for that Meeting; and in all Cases every Question shall be decided by a Majority of Voters (the Chairman, whether permanent or temporary, having a Vote), and in the event of an Equality of Votes the Chairman for the Time being shall have an additional or Casting Vote.

Appointment of Secretary.

IX. And be it enacted, That *Robert Wilfred Skeffington Lutwidge* of *Lincoln's Inn*, Esquire, shall be the Secretary to the Commissioners; and that the said *Robert Wilfred Skeffington Lutwidge*, and every Secretary to be hereafter appointed, shall be removeable from his Office by the Lord Chancellor, on the Application of the Commissioners; and that as often as the said *Robert Wilfred Skeffington Lutwidge*, or any Secretary to be appointed under this present Provision, shall die, or resign or be removed from his Office, the Commissioners, with the Approbation of the Lord Chancellor, shall appoint a Person to be Secretary in the Room of the said *Robert Wilfred Skeffington Lutwidge*, or other the Secretary who shall die or resign or be removed as aforesaid; and that the Secretary for the Time being shall, in the Performance of all his Duties, and in all respects, be subject to the Inspection, Direction, and Control of the Commissioners; and that there shall be paid to the Secretary for the Time being, out of the Monies and Funds herein-after mentioned, the yearly Salary of Eight hundred Pounds, by Four equal quarterly Payments, on the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, the Twenty-fifth Day of *March*, and the Twenty-fourth Day of *June* in every Year, the first of such Payments (or a proportionate Part thereof, to be computed, in the Case of the said *Robert Wilfred Skeffington Lutwidge*, from the passing of this Act, and in case of every other Secretary from the Time of his Appointment,) to be made to the said *Robert Wilfred Skeffington Lutwidge* on such of the same Days of Payment as shall first happen after the passing of this Act, and to every other Secretary for the Time being on such of the same Days of Payment as shall first happen after his Appointment.

Provision for retiring Pension to Secretary.

4 & 5 W. 4. c. 24.

X. And be it enacted, That any Superannuation Allowance to be granted to any Secretary appointed or to be appointed under this Act shall be granted only in respect of Services performed under this Act, and shall be subject to the Provisions of an Act passed in the Fourth and Fifth Years of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensation, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*, so far as such Provisions relate to Officers and Clerks who had entered

or might enter the Public Service subsequent to the Fourth Day of *August* One thousand eight hundred and twenty-nine.

Power for the Commissioners to appoint Two Clerks.

XI. And be it enacted, That it shall be lawful for the Commissioners to appoint, during Pleasure, any Two Persons as Clerks to the Commissioners, and to allow to such Two Clerks any such yearly or other Salaries (not exceeding in the whole the yearly Sum of Two hundred Pounds for such Two Clerks) as the Commissioners shall think proper; and further, that it shall be lawful for the Commissioners, at any Time hereafter, in case they shall find it expedient so to do, for the due Performance of the Business of the Commission, with the Consent of the Lord High Treasurer, or of the Commissioners of Her Majesty's Treasury, or of any Three or more of them, to appoint One or Two other Clerks (in addition to the Two Clerks firstly herein-before mentioned), and to allow to such One or Two additional Clerk or Clerks any such yearly or other Salaries as the Commissioners shall think fit (not exceeding in the whole the yearly Sum of Two hundred Pounds); and such Salaries shall be paid out of the Monies or Funds herein-after mentioned.

Secretary and Clerks to take an Oath.

XII. And be it enacted, That every Person appointed to be Secretary or Clerk as aforesaid shall, before he shall act as such Secretary or Clerk, take the following Oath, to be administered by any One of the Commissioners:

'I *A.B.* do swear, That I will faithfully execute all such Trusts and Duties as shall be committed to my Charge as Secretary to the Commissioners in Lunacy [*or* as Clerk to the Commissioners in Lunacy, *as the Case may be*]; and that I will keep secret all such Matters as shall come to my Knowledge in the Execution of my Office (except when required to divulge the same by legal Authority). So help me GOD.'

Clerk of the Metropolitan Commissioners to deliver all Documents to the Commissioners under this Act.

XIII. And be it enacted, That immediately after the passing of this Act the Clerk to the Metropolitan Commissioners in Lunacy appointed under the said Act of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, or under any of the other Acts hereby repealed, shall forthwith deliver up every Book, Paper, and Document, and all Goods, Property, and Effects which may be in his Possession by virtue of his said Office, or in consequence thereof, or connected with the Business thereof, to the Commissioners in Lunacy hereby appointed; and every Book, Paper, and Document, and all Goods, Property, and Effects respectively, which shall be so delivered unto or shall hereafter come into the Possession of the Commissioners in Lunacy by virtue of their Office, shall thereupon be vested in and shall be deemed to be the Property of the Commissioners in Lunacy for the Time being.

Jurisdiction within which Commissioners are to grant Licences, and termed their imme-

XIV. And be it enacted, That it shall be lawful for the Commissioners (if and when they shall think fit) to grant a Licence to any Person to keep a House for the Reception of Lunatics, or of any Sex or Class of Lunatics, within the Places following; (that is to say,) the Cities of *London* and *Westminster*, the County of *Middlesex*, the Borough of *Southwark*, and the several Parishes and Places herein-

herein-after mentioned; (that is to say,) *Brixton*, *Battersea*, *Barnes*, *Saint Mary Magdalen Bermondsey*, *Christ Church Clapham*, *Saint Giles Camberwell*, *Dulwich*, *Saint Paul Deptford*, *Gravenay*, *Kew Green*, *Kennington*, *Saint Mary Lambeth*, *Mortlake*, *Merton*, *Mitcham*, *Saint Mary Newington*, *Norwood*, *Putney*, *Peckham*, *Saint Mary Rotherhithe*, *Roehampton*, *Streatham*, *Stockwell*, *Tooting*, *Wimbledon*, *Wandsworth*, *and Walworth*, in the County of *Surrey*; *Blackheath*, *Charlton*, *Deptford*, *Greenwich*, *Lewisham*, *Lee*, *Southend*, and *Woolwich*, in the County of *Kent*; and *East Ham*, *Layton*, *Laytonstone*, *Low Layton*, *Plaistow*, *West Ham*, and *Walthamstow*, in the County of *Essex*; and also within every other Place (if any) within the Distance of Seven Miles from any Part of the said Cities of *London* or *Westminster*, or of the said Borough of *Southwark*; all which Cities, County, Borough, Parishes, and Places aforesaid shall be and are hereafter referred to as the immediate Jurisdiction of the Commissioners. diate Jurisdiction, defined.

XV. And be it enacted, That the Commissioners or some Five of them shall meet at the usual Office or Place of Business which shall for the Time being be occupied or used by the said Commissioners, or at such other Place as the Lord Chancellor may direct, on the First *Wednesday* in the Months of *February*, *May*, *July*, and *November* in every Year, in order to receive Applications from Persons requiring Houses to be licensed for the Reception of Lunatics within the immediate Jurisdiction of the Commissioners, and (if they shall think fit) to license the same; and in case on any such Occasion Five Commissioners shall not be present the Meeting shall take place on the next succeeding *Wednesday*, and so on weekly until Five Commissioners shall be assembled; and the Commissioners assembled at every such Meeting shall have Power to adjourn such Meeting from Time to Time and to such Place as they shall see fit: Provided always, nevertheless, that it shall be lawful for any Five of the Commissioners at any other Time, at any Meeting duly summoned under the Provisions in that Behalf herein-after contained, to receive Applications from Persons requiring Houses to be licensed as aforesaid, and, if they shall think fit, to license the same. Commissioners to hold quarterly and special Meetings for granting Licences.

XVI. And be it enacted, That when and so often as any Commissioner shall by Writing under his Hand require the Secretary to convene a Meeting of the Commissioners for a Purpose or Purposes specified in such Writing, or for the general Despatch of Business, such Secretary is hereby required to convene such Meeting by Summons to the other Commissioners, or such of them as shall be then in *England* and shall have an Address known to the Secretary, and to give them, as far as Circumstances will admit, not less than Twenty-four Hours Notice of the Place, Day, and Hour where and on and at which such Meeting is intended to be held, and also to state in the Summons the Purpose or Purposes of such Meeting, as specified by the Commissioner requiring the same to be convened; and then and in every such Case it shall be lawful for any Three of the Commissioners to assemble themselves to consider, and (if they shall think fit) to execute the Purpose or Purposes of such Meeting: Provided always, nevertheless, that nothing shall be done at any such Meeting, Provision for summoning Special Meetings.

Meeting, at which less than Five Commissioners shall be present, which by this Act is required to be done by Five Commissioners: Provided also, that every such Meeting shall, as far as Circumstances will admit, be held at the usual Office or Place of Business of the Commissioners.

The Justices of the Peace in General or Quarter Sessions in all other Parts of England to license Houses for the Reception of Lunatics, and to appoint Visitors.

XVII. And be it enacted, That in all Places not being within the immediate Jurisdiction of the Commissioners the Justices for the County or Borough assembled in General or Quarter Sessions shall have the same Authority within their respective Counties or Boroughs to license Houses for the Reception of Lunatics as the Commissioners within their immediate Jurisdiction; and that the said Justices shall, at the *Michaelmas* General or Quarter Sessions in every Year, appoint Three or more Justices, and also One Physician, Surgeon, or Apothecary, or more, to act as Visitors of every or any House or Houses licensed for the Reception of Lunatics within the said Counties or Boroughs respectively; and such Visitors shall at their First Meeting take the Oath required by this Act to be taken by the Commissioners, *mutatis mutandis*, such Oath to be administered by a Justice.

For Appointment of a Visitor in the Place of one dying, being unable, disqualified, &c.

XVIII. And be it enacted, That in case at any Time of the Death, Inability, Disqualification, Resignation, or Refusal to act of any Person so appointed a Visitor as aforesaid, it shall be lawful for the Justices of the County or Borough, at any General or Quarter Sessions, to appoint a Visitor in the Room of the Person who shall die, or be unable or be disqualified, or resign, or refuse to act as aforesaid.

Lists of Visitors to be published by the Clerk of the Peace in a Newspaper, and to be sent to the Commissioners.

Penalty for Default.

XIX. And be it enacted, That a List of the Names, Places of Abode, Occupations, or Professions of all Visitors appointed as hereinbefore is directed shall, within Fourteen Days from the Date of their respective Appointments, be published by the Clerk of the Peace of the County or Borough for which they shall be respectively appointed in some Newspaper commonly circulated within the same County or Borough, and shall, within Three Days from the Date of their respective Appointments, be sent by the Clerk of the Peace to the Commissioners; and every Clerk of the Peace making default in either of the respects aforesaid shall for every such Default forfeit a Sum not exceeding Two Pounds.

Every Visitor, being a Physician, Surgeon, or Apothecary, to be remunerated.

XX. And be it enacted, That every such Visitor as aforesaid, being a Physician, Surgeon, or Apothecary, shall be paid out of the Monies or Funds herein-after mentioned for every Day during which he shall be employed in executing the Duties of this Act such Sum as the Justices of the County or Borough shall in General or Quarter Sessions direct.

Clerk of the Peace, or some other Person, to be appointed to be Clerk to Visitors;

XXI. And be it enacted, That the Clerk of the Peace, or some other Person to be appointed by the Justices for the County or Borough in General or Quarter Sessions, shall act as Clerk to the Visitors so appointed as aforesaid, and such Clerk shall summon the Visitors to meet at such Time and Place, for the Purpose of executing the Duties of this Act, as the said Justices in General or Quarter Sessions

shall appoint; and every such Appointment, Summons, and Meeting shall be made and held as privately as may be, and in such Manner that no Proprietor, Superintendent, or Person interested in or employed about or connected with any House to be visited shall have Notice of such intended Visitation; and such Clerk to the Visitors shall, at their First Meeting, take the Oath required by this Act to be taken by the Secretary of the Commissioners, *mutatis mutandis*, such Oath to be administered by One of the Visitors, being a Justice; and the Name, Place of Abode, Occupation, and Profession of the Clerk to the Visitors (whether the same shall be the Clerk of the Peace or any other Person) shall within Fourteen Days after the Appointment be published by the Clerk of the Peace for the County or Borough in some Newspaper commonly circulated therein, and within Three Days from the Date of the Appointment be communicated by the said Clerk of the Peace to the Commissioners; and every Clerk of the Peace making default in either of the respects aforesaid shall for every such Default forfeit a Sum not exceeding Two Pounds; and every such Clerk to the Visitors shall be allowed such Salary or Remuneration for his Services (to be paid out of the Monies or Funds herein-after mentioned) as the Justices for the County or Borough shall in General or Quarter Sessions direct.

His Duties and Remuneration.

XXII. And be it enacted, That if the Clerk of any Visitors shall at any Time desire to employ an Assistant in the Execution of the Duties of his Office, such Clerk shall certify such Desire and the Name of such Assistant to One of the Visitors, being a Justice; and if such Visitor shall approve thereof he shall administer the following Oath to such Assistant:

Provision for Assistants to the Clerk of the Visitors.

'I *A. B.* do solemnly swear, That I will faithfully keep secret all such Matters and Things as shall come to my Knowledge in consequence of my Employment as Assistant to the Clerk of the Visitors appointed for the County [*or* Borough] of by virtue of an Act of Parliament passed in the Ninth Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of the Act*], unless required to divulge the same by legal Authority. So help me GOD.'

Oath of Assistant.

And such Clerk may thereafter, at his own Cost, employ such Assistant.

XXIII. And be it enacted, That no Person shall be or act as a Commissioner, or Visitor, or Secretary, or Clerk to the Commissioners, or Clerk or Assistant Clerk to any Visitors, or act in granting any Licence, who shall then be, or shall within One Year then next preceding have been, directly or indirectly interested in any House licensed for the Reception of Lunatics, or the Profits of such Reception; and no Physician or Surgeon (being a Commissioner), and no Physician, Surgeon, or Apothecary, (being a Visitor,) shall sign any Certificate for the Admission of any Patient into any licensed House or Hospital, or shall professionally attend upon any Patient in any licensed House or Hospital, unless he be directed to visit such Patient by the Person upon whose Order such Patient has been received into such licensed House or Hospital, or by the Lord Chancellor,

Persons interested in any licensed House, or being Medical Attendant on any Patient therein, disqualified to act as Commissioner, Visitor, Secretary, Clerk, or Assistant.

cellor, or Her Majesty's Principal Secretary of State for the Time being for the Home Department, or by a Committee appointed by the Lord Chancellor; and if any such Commissioner, or Visitor, or Secretary or Clerk to the Commissioners, or Clerk or Assistant Clerk to any Visitors, shall after his Appointment be or become so interested in any House licensed for the Reception of Lunatics, or the Profits of such Reception, such Commissioner, Visitor, Secretary, or Clerk, or Assistant Clerk, as the Case may be, shall immediately thereupon be disqualified from acting and shall cease to act in such Capacity; and if any Person, being disqualified as aforesaid, shall take the Office of Commissioner, Visitor, Secretary, Clerk, or Assistant Clerk, or, being a Commissioner, Visitor, Secretary, Clerk, or Assistant Clerk, shall become disqualified as aforesaid, and shall afterwards continue to act in such Capacity, such Person shall be guilty of a Misdemeanor; and if any Physician or Surgeon (being a Commissioner), or any Physician, Surgeon, or Apothecary, (being a Visitor,) shall sign any Certificate for the Admission of any Patient into any licensed House or Hospital, or shall professionally attend any Patient in any licensed House or Hospital (except as aforesaid), such Physician, Surgeon, or Apothecary (as the Case may be) shall for each Offence against this Provision forfeit the Sum of Ten Pounds.

Disqualified Persons acting a Misdemeanor.

Physicians, &c. contravening, Penalty 10*l.*

Fourteen Days previous Notice of intended Application for and Plan of licensed House to be given to the Commissioners or Clerk of the Peace.

XXIV. And be it enacted, That every Person who shall desire to have a House licensed for the Reception of Lunatics shall give a Notice, if such House be situate within the immediate Jurisdiction of the Commissioners, to the Commissioners, and if elsewhere to the Clerk of the Peace for the County or Borough in which such House is situate, Fourteen clear Days at the least prior to some quarterly or other Meeting of the Commissioners, or to some General or Quarter Sessions for such County or Borough, as the Case may be; and such Notice shall contain the true Christian and Surname, Place of Abode, and Occupation of the Person to whom the Licence is desired to be granted, and a true and full Description of his Estate or Interest in such House; and in case the Person to whom the Licence is desired to be granted does not propose to reside himself in the licensed House, the true Christian and Surname and Occupation of the Superintendent who is to reside therein; and such Notice, when given for any House which shall not have been previously licensed, shall be accompanied by a Plan of such House, to be drawn upon a Scale of not less than One Eighth of an Inch to a Foot, with a Description of the Situation thereof, and the Length, Breadth, and Height of and a Reference by a Figure or Letter to every Room and Apartment therein, and a Statement of the Quantity of Land, not covered by any Building, annexed to such House, and appropriated to the exclusive Use, Exercise, and Recreation of the Patients proposed to be received therein, and also a Statement of the Number of Patients proposed to be received into such House, and whether the Licence so applied for is for the Reception of Male or Female Patients, or of both, and if for the Reception of both, of the Number of each Sex proposed to be received into such House, and of the Means by which the one Sex may be kept distinct and apart from the other; and such Notice, Plan, and Statement, when sent to the Clerk of the Peace, shall be laid by him before the Justices of the

County or Borough at such Time as they shall take into their Consideration the Application for such Licence: Provided always, that it shall be lawful for any Person to whom a Licence shall be granted to remove the Superintendent named in the Notice, and at any Time or Times to appoint another Superintendent, upon giving a Notice containing the true Christian and Surname and Occupation of the new Superintendent to the Commissioners or the Visitors of the House, as the Case may require: Provided always, that all Plans heretofore delivered shall be deemed sufficient for the Purposes of this Act, if the Commissioners or Justices, as the Case may be, shall so think fit.

No Licence to include more than One House; but detached Buildings, in certain Cases, to be considered Part of the House.

XXV. And be it enacted, That no One Licence shall include or extend to more than One House; but if there be any Place or Building detached from a House to be licensed, but not separated therefrom by Ground belonging to any other Person, and if such Place or Building be specified, delineated, and described in the Notice, Plan, and Statement herein-before required to be given, in the same Manner in all Particulars as if the same had formed Part of such House, then such detached Place or Building may be included in the Licence for the House, if the Commissioners or Justices, as the Case may be, shall think fit, and if so included shall be considered Part of such House for the Purposes of this Act: Provided always, that no Person hereafter receiving a Licence for the first Time shall receive any Licence for the Reception of Lunatics in any Lunatic Asylum who shall not reside on the Premises for which he is licensed.

Notice of all Additions and Alterations to be given to the Commissioners or Clerk of the Peace.

XXVI. And be it enacted, That no Addition or Alteration shall be made to, in, or about any licensed House, or the Appurtenances, unless previous Notice in Writing of such proposed Addition or Alteration, accompanied with a Plan of such Addition or Alteration, to be drawn upon the Scale aforesaid, and to be accompanied by such Description as aforesaid, shall have been given by the Person to whom the Licence shall have been granted to the Commissioners or to the Clerk of the Peace, as the Case may be, and the Consent in Writing of the Commissioners, or of Two of the Visitors, as the Case may be, shall have been previously given.

Untrue Statement a Misdemeanor.

XXVII. And be it enacted, That if any Person shall wilfully give an untrue or incorrect Notice, Plan, Statement, or Description of any of the Things herein-before required to be included in any Notice, Plan, or Statement, he shall be guilty of a Misdemeanor.

A Copy of every Licence granted by Justices to be sent to the Commissioners.

XXVIII. And be it enacted, That in every Case in which a Licence for the Reception of Lunatics shall after the passing of this Act be granted by any Justices the Clerk of the Peace for the County or Borough shall, within Fourteen Days after such Licence shall have been granted, send a Copy thereof to the Commissioners; and any Clerk of the Peace omitting to send such Copy within such Time shall for every such Omission forfeit a Sum not exceeding Two Pounds.

XXIX And

Every Person applying for the Renewal of a Licence to furnish a Statement of the Number and Class of Patients then detained.

XXIX. And be it enacted, That in every Case in which any Person shall apply for the Renewal of a Licence already granted or hereafter to be granted, such Person, if applying to the Commissioners, shall with such Application transmit to the Commissioners, and if applying to any Justices shall with such Application transmit to the Clerk of the Peace for the County or Borough, and also at the same Time to the Commissioners, a Statement signed by the Person so applying, containing the Names and Number of the Patients of each or either Sex then detained in such House, and distinguishing whether such Patients respectively are private or pauper Patients; and any Person who shall hereafter obtain the Renewal of a Licence without making such Return or Returns shall for every such Offence forfeit the Sum of Ten Pounds; and any Person who shall make any such Return untruly shall be guilty of a Misdemeanor.

Licences to be made out in a given Form, &c., and to be for not more than Thirteen Months.

XXX. And be it enacted, That every Licence shall, as nearly as conveniently may be, be according to the Form in the Schedule (A.) annexed to this Act, and shall be stamped with a Ten Shilling Stamp, and shall be under the Seal of the Commissioners, if granted by them; and if by any Justices under the Hands and Seals of Three or more such Justices in General or Quarter Sessions assembled, and shall be granted for such Period, not exceeding Thirteen Calendar Months, as the Commissioners or Justices, as the Case may be, shall think fit.

No Licence, &c. in any Borough without Consent of Recorder.

XXXI. And be it enacted, That no Licence shall be granted or Visitor or Clerk appointed by the Justices for any Borough without the Consent in Writing of the Recorder of such Borough to such Grant or Appointment.

Charge for Licences to be granted in pursuance of this Act.

XXXII. And be it enacted, That for every Licence to be hereafter granted there shall be paid to the Secretary of the Commissioners, or to the Clerk of the Peace, according as the Licence shall be granted by the Commissioners or Justices (exclusive of the Sum to be paid for the Stamp) the Sum of Ten Shillings and no more for every Patient not being a Pauper, and the Sum of Two Shillings and Sixpence and no more for every Patient being a Pauper, proposed to be received into such House, and if the total Amount of such Sums of Ten Shillings and Two Shillings and Sixpence shall not amount to Fifteen Pounds, then so much more as shall make up the Sum of Fifteen Pounds; and no such Licence shall be delivered until the Sum payable for the same shall be paid: Provided always, that if the Period for which a Licence shall be granted be less than Thirteen Calendar Months it shall be lawful for the Commissioners or the Justices, as the Case may be, to reduce the Payment to be made on such Licence to any Sum not less than Five Pounds.

Power to reduce the Charge for the Licence in certain Cases.

Application of Monies received for Licences by the Secretary of the Commissioners.

XXXIII. And be it enacted, That all Monies received for Licences granted by the Commissioners, and for Searches made in pursuance of the Provision for that Purpose herein-after contained, shall be retained by the Secretary of the Commissioners, and be applied by him in or towards the Payment of the Salaries and travelling and other Expences of the Commissioners and of their Secretary and Clerks, and in or towards the Payment or Discharge of all or any Costs,

Costs, Charges, and Expences incurred by or under the Authority of the Commissioners in the Execution of or under or by virtue of this Act.

Secretary of the Commissioners to make out an annual Account, to be laid before the Lords Commissioners of the Treasury, of all Receipts and Payments by him under this Act.

XXXIV. And be it enacted, That the Secretary of the Commissioners shall make out an Account of all Monies received and paid by him as aforesaid, and of all Monies otherwise received and paid by him, and of all Charges and Expences incurred under or by virtue of or in the Execution of this Act; and such Account shall be made up to the First Day of *August* in each Year, and shall be signed by Five at least of the Commissioners; and such Account shall specify the several Heads of Charge and Expenditure, and shall be transmitted to the Lord High Treasurer, or to the Commissioners of Her Majesty's Treasury, who shall thereupon audit such Account, and, if he or they shall deem it expedient, direct the Balance (if any) remaining in the Hands of the said Secretary to be paid into the Exchequer to the Account of the Consolidated Fund; and such Accounts shall be laid before Parliament on or before the Twenty-fifth Day of *March* in each Year, if Parliament be then sitting, or if Parliament be not then sitting then within One Month after the then next Sitting of Parliament.

Balance of Payments over Receipts may be paid out of the Consolidated Fund.

XXXV. And be it enacted, That it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, and they are hereby directed and empowered, from Time to Time (on an Application to them, agreed to at some quarterly or other Meeting of the Commissioners, attended by Five at least of the Commissioners, and certified under their Hands,) to cause to be issued and paid out of the Consolidated Fund to the Secretary of the Commissioners such a Sum of Money as the Commissioners shall in such Application have certified to be requisite to pay and discharge so much of the Salaries, Costs, Charges, and Expences herein-before directed to be paid out of the Monies received by the said Secretary for Licences and otherwise as aforesaid as such Monies shall be inadequate to pay, and the said Secretary shall thereupon apply such Money in or towards the Payment or Discharge of such Salaries, Costs, Charges, and Expences respectively; and that it shall be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time to advance by way of Imprest to the said Secretary such Sum or Sums of Money as to such Lord High Treasurer or Commissioners of Her Majesty's Treasury may appear requisite and reasonable, for or towards the Payment or Discharge of all or any such Salaries, Costs, Charges, or Expences as aforesaid, such Sum or Sums to be accounted for by the said Secretary in his then next Account.

Application of Monies received for Licences by Clerks of the Peace.

XXXVI. And be it enacted, That all Monies to be received for Licences granted by any Justices shall be applied by the Clerk of the Peace for the County or Borough in or towards the Payment of the Salary or Remuneration of the Clerk to the Visitors for such County or Borough, and in or towards the Remuneration of such of the same Visitors as are herein-before directed to be remunerated, and

in or towards the Payment or Discharge of all Costs, Charges, and Expences incurred by or under the Authority of the same Justices or Visitors in the Execution of or under or by virtue of this Act.

Clerks of the Peace to make out annual Accounts, to be laid before the Justices in Session, of all Receipts and Payments made under this Act.

XXXVII. And be it enacted, That the Clerk of the Peace for every County or Borough shall keep an Account of all Monies received and paid by him as aforesaid, and of all Monies otherwise received or paid by him under or by virtue of or in the Execution of this Act; and such Account shall respectively be made up to the First Day of *August* in each Year, and shall be signed by Two at least of the Visitors for the County or Borough; and every such Account shall be laid by the Clerk of the Peace before the Justices at the *Michaelmas* General or Quarter Sessions, who shall thereupon direct the Balance (if any) remaining in the Hands of the Clerk of the Peace to be paid into the Hands of the Treasurer for such County or Borough, in aid and as Part of the County or Borough Rate.

Balance of Payments over Receipts may be paid out of the Funds of the County or Borough.

XXXVIII. And be it enacted, That it shall be lawful for the Justices for any County or Borough in General or Quarter Sessions assembled, if they shall think fit, to order to be paid to the Clerk of the Peace of such County or Borough, out of the Rates or Funds thereof, such Sum or Sums of Money as they shall on Examination deem to be necessary to pay and discharge so much of the Salary, Remuneration, Costs, Charges, and Expences herein-before directed to be paid out of the Monies received by such Clerk of the Peace for Licences and otherwise as aforesaid as such Monies shall be inadequate to pay; and also that it shall be lawful for the Justices in General or Quarter Sessions assembled, if they shall think fit, from Time to Time to order to be advanced out of the Rates or Funds of such County or Borough, to the Clerk of the Peace, such Sum or Sums of Money as to such Justices may appear requisite and reasonable, for or towards the Payment or Discharge of any such Salary, Remuneration, Costs, Charges, or Expences as last aforesaid; and every such Sum of Money as aforesaid shall be paid and advanced out of the Rates or Funds of such County or Borough by the Treasurer thereof, and shall be allowed in his Accounts, on the Authority of the aforesaid Order by the Justices for the Payment or Advance thereof.

Provision in case of the Incapacity or Death of the Person licensed.

XXXIX. And be it enacted, That if any Person to whom a Licence shall have been granted under this Act or under any of the Acts herein-before repealed shall by Sickness or other sufficient Reason become incapable of keeping the licensed House, or shall die before the Expiration of the Licence, it shall be lawful for the Commissioners or for any Three Justices for the County or Borough, as the Case may be, if they shall respectively think fit, by Writing endorsed on such Licence, under the Seal of the Commissioners or under the Hands of such Three Justices, to transfer the said Licence, with all the Privileges and Obligations annexed thereto, for the Term then unexpired, to such Person as shall at the Time of such Incapacity or Death be the Superintendent of such House, or have the Care of the Patients therein, or to such other Person as the Commissioners or such Justices respectively shall approve, and in the mean-

time such Licence shall remain in force and have the same Effect as if granted to the Superintendent of the House; and in case a Licence has been or shall be granted to Two or more Persons, and before the Expiration thereof any or either of such Persons shall die, leaving the other or others surviving, such Licence shall remain in force and have the same Effect as if granted to such Survivors or Survivor.

In case of a licensed House being taken for public Purposes, or accidentally rendered unfit, or of the Keeper wishing to transfer his Patients to a new House.

XL. And be it enacted, That if any licensed House shall be pulled down or occupied under the Provisions of any Act of Parliament, or shall by Fire, Tempest, or other Accident be rendered unfit for the Accommodation of Lunatics, or if the Person keeping such House shall desire to transfer the Patients to another House, it shall be lawful for the Commissioners (if the new House shall be within their immediate Jurisdiction), at any quarterly or other Meeting, or for any Two or more of the Visiting Justices for the County or Borough within which the new House is situate, as the Case may be, upon the Payment to the Secretary of the Commissioners or the Clerk of the Peace, as the Case may be, of not less than One Pound for the Licence (exclusive of the Sum to be paid for the Stamp), to grant to the Person whose House has been so pulled down, occupied, or so rendered unfit, or who shall desire to transfer his Patients as aforesaid, a Licence to keep such other House for the Reception of Lunatics, for such Time as the Commissioners or the said Justices, as the Case may be, shall think fit: Provided always, that the same Notice of such intended Change of House, and the same Plans and Statements and Descriptions of and as to such intended new House, shall be given as are required when Application is first made for a Licence for any House, and shall be accompanied by a Statement in Writing of the Cause of such Change of House; and that, except in Cases in which the Change of House is occasioned by Fire or Tempest, Seven clear Days previous Notice of the intended Removal shall be sent, by the Person to whom the Licence for keeping the original House shall have been granted, to the Person who signed the Order for the Reception of each Patient, not being a Pauper, or the Person by whom the last Payment on account of such Patient shall have been made, and to the Relieving Officer or Overseer of the Union or Parish to which each Patient being a Pauper is chargeable, or the Person by whom the last Payment on account of such Patient shall have been made.

Power of Revocation of Licences granted by Justices.

XLI. And be it enacted, That if a Majority of the Justices of any County or Borough in General or Quarter Sessions assembled shall recommend to the Lord Chancellor that any Licence granted by the Justices for such County or Borough, either before or after the passing of this Act, shall be revoked, it shall be lawful for the Lord Chancellor to revoke the same by an Instrument under his Hand and Seal, such Revocation to take effect at a Period to be named in such Instrument, not exceeding Two Calendar Months from the Time a Copy or Notice thereof shall have been published in the "*London Gazette*;" and a Copy or Notice of such Instrument of Revocation shall be published in the "*London Gazette*," and shall before such Publication be transmitted to the Person to whom such Licence shall have been granted,

granted, or to the resident Superintendent of the licensed House, or be left at the licensed House: Provided always, that in case of any such Revocation being recommended to the Lord Chancellor, Notice thereof in Writing shall, Seven clear Days previously to the Transmission of such Recommendation to the Lord Chancellor, be given to the Person the Revocation of whose Licence shall be recommended, or to the resident Superintendent of the licensed House, or shall be left at the licensed House.

Power of Revocation and of Prohibition of Renewal of Licences granted by the Commissioners or by Justices.

XLII. And be it enacted, That if the Commissioners shall recommend to the Lord Chancellor that any Licence granted either by the Commissioners or by any Justices, either before or after the passing of this Act, shall be revoked or shall not be renewed, it shall be lawful for the Lord Chancellor by an Instrument under his Hand and Seal to revoke or prohibit the Renewal of such Licence; and in the Case of a Revocation the same shall take effect at a Period to be named in such Instrument, not exceeding Two Calendar Months from the Time a Copy or Notice thereof shall have been published in the "*London Gazette*;" and a Copy or Notice of such Instrument of Revocation shall be published in the "*London Gazette*," and shall before such Publication be transmitted to the Person to whom such Licence shall have been granted, or to the resident Superintendent of the licensed House, or shall be left at the licensed House: Provided always, that in case of any such Revocation or Prohibition to renew being recommended to the Lord Chancellor, Notice thereof in Writing shall, Seven clear Days previously to the Transmission of such Recommendation to the Lord Chancellor, be given to the Person the Revocation or Prohibition of Renewal of whose Licence shall be recommended, or to the resident Superintendent of the licensed House, or shall be left at the licensed House.

Hospitals receiving Lunatics to have their Regulations printed, and a resident Medical Attendant, and to be registered.

XLIII. And be it enacted, That the Regulations as to Lunatics of every Hospital in which Lunatics are or shall be received shall be printed, and complete Copies thereof shall be sent to the Commissioners, and also kept hung up in the Visitors Room of such Hospital; and that every such Hospital shall have a Physician, Surgeon, or Apothecary resident therein, as the Superintendent and Medical Attendant thereof; and such Superintendent shall immediately after the passing of this Act (or immediately after the Establishment of such Hospital, as the Case may be,) apply to the Commissioners to have such Hospital registered, and thereupon such Hospital shall be registered in a Book to be kept for that Purpose by the Commissioners; and in case the Superintendent of any such Hospital shall at any Time omit to have Copies of such Regulations sent or hung up as aforesaid, or to apply to have such Hospital registered as aforesaid, he shall for every such Omission forfeit a Sum not exceeding Twenty Pounds.

No House to be kept for the Reception of Two or more Lunatics

XLIV. And be it enacted, That after the passing of this Act it shall not be lawful for any Person to receive Two or more Lunatics into any House, unless such House shall be an Asylum or an Hospital registered under this Act, or a House for the Time being duly licensed under this Act, or one of the Acts herein-before repealed;

repealed; and any Person who shall receive Two or more Lunatics into any House other than a House for the Time being duly licensed as aforesaid, or an Asylum or an Hospital duly registered under this Act, shall be guilty of a Misdemeanor. without a Licence.

XLV. And be it enacted, That no Person (not a Pauper), whether being or represented to be a Lunatic, or only a Boarder or Lodger, in respect of whom any Money shall be received or agreed to be received for Board, Lodging, or any other Accommodation, shall be received into or detained in any licensed House, and no Person (not a Pauper) shall be received into or detained as a Lunatic in any Hospital, without an Order under the Hand of some Person according to the Form and stating the Particulars required in Schedule (B.) annexed to this Act, nor without the Medical Certificates, according to the Form in Schedule (C.) annexed to this Act, of Two Physicians, Surgeons, or Apothecaries who shall not be in Partnership, and each of whom shall separately from the other have personally examined the Person to whom it relates, not more than Seven clear Days previously to the Reception of such Person into such House or Hospital, and shall have signed and dated the same on the Day on which such Person shall have been so examined; and every Person who shall receive or detain any such Person as aforesaid in any such House or Hospital as aforesaid without such Order and Medical Certificates as aforesaid, and any Physician, Surgeon, or Apothecary who shall knowingly sign any such Medical Certificate as aforesaid which shall untruly state any of the Particulars required by this Act, shall be guilty of a Misdemeanor. No Person (not a Pauper) to be received without an Order and Medical Certificate.

XLVI. Provided always, and be it enacted, That every Physician, Surgeon, or Apothecary signing such Certificate shall specify therein any Fact or Facts (whether arising from his own Observation or from the Information of any other Person) upon which he has formed his Opinion that the Person to whom such Certificate relates is a Lunatic or an Insane Person, or an Idiot, or a Person of unsound Mind. Medical Practitioner signing such Certificate to specify Facts upon which Opinion formed.

XLVII. Provided always, nevertheless, and be it enacted, That any Person (not a Pauper) may, under special Circumstances, be received into any such House or Hospital as aforesaid, upon such Order as aforesaid, with the Certificate of One Physician, Surgeon, or Apothecary alone, provided that such Order state the special Circumstances which have prevented the Person from being examined by Two Medical Practitioners; but in every such Case another such Certificate shall be signed by some other Physician, Surgeon, or Apothecary, not being connected with any such House or Hospital, who shall have especially examined such Person within Three Days after his Reception into such House or Hospital; and every Person who, having received any Person into any House or Hospital as aforesaid upon the Certificate of One Medical Practitioner alone, as aforesaid, shall keep or permit such Person to remain in such House or Hospital beyond the said Period of Three Days without such further Certificate as aforesaid, shall be guilty of a Misdemeanor. Proviso that in certain Cases a Person may be received on a Certificate signed by One Medical Practitioner only.

No Pauper to be received into any House or Hospital for Lunatics without a certain Order and Certificate.

XLVIII. And be it enacted, That no Pauper shall be received into or detained in any licensed House, or any Hospital, without an Order and Statement according to the Form and stating the Particulars required in Schedule (D.) annexed to this Act, under the Hands of One Justice or an officiating Clergyman, with the Relieving Officer or One of the Overseers of the Union or Parish from which such Pauper shall be sent, (which said Justice or which said Clergyman and Relieving Officer or Overseer, as the Case may be, shall have personally examined such Pauper previously to signing such Order,) nor without a Medical Certificate according to the Form in the said Schedule (D.) annexed to this Act, and dated not more than Seven clear Days previously to the Reception of such Pauper into such House or Hospital; and every such Certificate shall be signed by a Physician, Surgeon, or Apothecary (not being the Medical Officer of such Parish or Union) on the Day whereon he shall examine such Pauper; and every Person who shall receive any Pauper into any such House or Hospital as aforesaid without such Order and Medical Certificate as last aforesaid shall be guilty of a Misdemeanor.

No Medical Practitioner who is interested in or attends a licensed House or Hospital to sign a Certificate for Admission of a Patient into such Place.

XLIX. And be it enacted, That no Physician, Surgeon, or Apothecary who, or whose Father, Brother, Son, or Partner, is wholly or partly the Proprietor of or a regular professional Attendant in a licensed House or an Hospital, shall sign any Certificate for the Reception of a Patient into such House or Hospital; and no Physician, Surgeon, or Apothecary who, or whose Father, Brother, Son, or Partner, shall sign the Order herein-before required for the Reception of a Patient, shall sign any Certificate for the Reception of the same Patient; and any Physician, Surgeon, or Apothecary who shall sign any Certificate contrary to any of the Provisions herein-before contained, or without having complied with all the Provisions hereby required in the Case of the Patient to whom the same shall relate, or who shall in such Certificate describe his Medical Qualification untruly, or shall untruly state any thing therein, shall be guilty of a Misdemeanor.

Every Person receiving a Person as a Lunatic into any House or Hospital to make an Entry thereof in a certain Form.

L. And be it enacted, That every Proprietor or Superintendent who shall receive any Patient into any licensed House or any Hospital shall, within Two Days after the Reception of such Patient, make an Entry with respect to such Patient in a Book to be kept for that Purpose to be called "The Book of Admissions," according to the Form and containing the Particulars required in Schedule (E.) annexed to this Act, so far as he can ascertain the same, except as to the Form of the mental Disorder, and except also as to the Discharge or Death of the Patient, which shall be made when the same shall happen; and every Person who shall so receive any such Patient, and shall not within Two Days thereafter make such Entry as aforesaid (except as aforesaid), shall forfeit a Sum not exceeding Two Pounds; and every Person who shall knowingly and willingly in any such Entry untruly set forth any of the Particulars shall be guilty of a Misdemeanor.

Form of Patient's Disorder to be entered in

LI. And be it enacted, That the Form of the mental Disorder of every Patient received into any licensed House or any Hospital shall within Seven Days after his Reception be entered in the said Book

of Admissions by the Medical Attendant of such House or Hospital; and every such Medical Attendant who shall omit to make any such Entry within the Time aforesaid shall for every such Offence forfeit a Sum not exceeding Two Pounds.

"The Book of Admissions" by the Medical Attendant.

LII. And be it enacted, That the Proprietor or resident Superintendent of every licensed House (whether licensed by the Commissioners or by any Justices), and the Superintendent of every Hospital, shall after Two clear Days, and before the Expiration of Seven clear Days from the Day on which any Patient shall have been received into such House or Hospital, transmit a Copy of the Order and Medical Certificates or Certificate on which such Person shall have been received, and also a Notice and Statement according to the Form in Schedule (F.) annexed to this Act, to the Commissioners; and the Proprietor or resident Superintendent of every House licensed within the Jurisdiction of any Visitors shall also within the same Period transmit another Copy of such Order and Certificates or Certificate, and a Duplicate of such Notice and Statement, to the Clerk of the Visitors; and every Proprietor or Superintendent of any such House or Hospital who shall neglect to transmit such Copy, Notice, or Statement to the Commissioners, or (where the same is required) to the Clerk of the Visitors, shall be guilty of a Misdemeanor.

Every Person receiving a Patient into any House or Hospital to transmit a Notice thereof to the Commissioners, and if within the Jurisdiction of any Visitors, then also to the Clerk of such Visitors.

LIII. And be it enacted, That whenever any Patient shall escape from any licensed House or any registered Hospital the Proprietor or Superintendent of such House or Hospital shall within Two clear Days next after such Escape transmit a written Notice thereof to the Commissioners, and if such House be within the Jurisdiction of any Visitors then also to the Clerk of such Visitors; and such Notice shall state the Christian and Surname of the Patient who has so escaped, and his then State of Mind, and also the Circumstances connected with such Escape; and if such Patient shall be brought back to such House or Hospital such Proprietor or resident Superintendent shall, within Two clear Days next after such Person shall be so brought back transmit a written Notice thereof to the Commissioners, and also, if such House be within the Jurisdiction of any Visitors, to the Clerk of such Visitors; and such Notice shall state when such Person was so brought back, and the Circumstances connected therewith, and whether with or without a fresh Order and Certificates or Certificate; and every Proprietor or resident Superintendent omitting to transmit such Notice, whether of Escape or of Return, shall for every such Omission forfeit a Sum not exceeding Ten Pounds.

Notices to be given in case of the Escape of any Patient, and of his being brought back.

LIV. And be it enacted, That whenever any Patient shall be removed or discharged from any licensed House or any Hospital, or shall die therein, the Proprietor or Superintendent of such House or Hospital shall, within Two clear Days next after such Removal, Discharge, or Death, make an Entry thereof in a Book to be kept for that Purpose according to the Form and stating the Particulars in Schedule (G. 1.) annexed to this Act, and shall also within the same Two Days transmit a written Notice thereof, and also of the Cause of his Death, to the Commissioners, and also, if such House shall

Entry to be made, and Notice given, in case of the Death, Discharge, or Removal of any Patient.

shall be within the Jurisdiction of any Visitors, to the Clerk of such Visitors, according to the Form and containing the Particulars in Schedule (G. 2.) annexed to this Act; and every Proprietor or Superintendent of any such House or Hospital who shall neglect to make such Entry or transmit such Notice or Notices, or shall therein set forth any thing untruly, shall be guilty of a Misdemeanor.

In case of the Death of a Patient, a Statement of the Cause of Death to be transmitted to the Commissioners, and, if within the Jurisdiction of any Visitors, to the Clerk of the Visitors also.

LV. And be it enacted, That in case of the Death of any Patient in any licensed House or any Hospital, a Statement of the Cause of the Death of such Patient, with the Name of any Person present at the Death, shall be drawn up and signed by the Medical Attendant of such House or Hospital, and a Copy thereof, duly certified by the Proprietor or Superintendent of such House or Hospital, shall by him be transmitted to the Commissioners, and also to the Person signing the Order for such Patient's Confinement, and to the Registrar of Deaths for the District, and if such House be within the Jurisdiction of any Visitors, then also to the Clerk of such Visitors, within Forty-eight Hours after the Death of such Patient; and every Medical Attendant, Proprietor, or Superintendent who shall neglect or omit to draw up, sign, certify, or transmit such Statement as aforesaid shall for every such Neglect or Omission forfeit and pay a Sum not exceeding Fifty Pounds.

Abuse or Ill-treatment or (in certain Cases) Neglect of a Patient to be a Misdemeanor.

LVI. And be it enacted, That if any Superintendent, Officer, Nurse, Attendant, Servant, or other Person employed in any licensed House or registered Hospital shall in any way abuse or ill-treat any Patient confined therein, or shall wilfully neglect any such Patient, he shall be deemed guilty of a Misdemeanor; and that in the event of the Release of any Person from Confinement in any Asylum or private House who shall consider himself to have been unjustly confined, a Copy of the Certificates and Order upon which he has been confined shall at his Request be furnished to him or to his Attorney by the Clerk to the Commissioners, without any Fee or Reward for the same; and it shall be lawful for the Home Secretary, on the Report of the Commissioners or Visitors of any Asylums, to direct Her Majesty's Attorney General to prosecute on the Part of the Crown any Person who shall have been concerned in the unlawful taking or Confinement of any of Her Majesty's Subjects as an Insane Patient, and likewise any Person who shall have been concerned in the Neglect or Ill-treatment of any Patient or Person so confined.

Houses having 100 Patients to have a resident Medical Attendant, and Houses having less to be visited by a Medical Attendant.

LVII. And be it enacted, That in every House licensed for One hundred Patients or more there shall be a Physician, Surgeon, or Apothecary resident as the Superintendent or Medical Attendant thereof; and that every House licensed for less than One hundred and more than Fifty Patients (in case such House shall not be kept by or have a resident Physician, Surgeon, or Apothecary,) shall be visited daily by a Physician, Surgeon, or Apothecary; and that every House licensed for less than Fifty Patients (in case such House shall not be kept by or have a resident Physician, Surgeon, or Apothecary,) shall be visited twice in every Week by a Physician, Surgeon, or Apothecary: Provided always, that it shall be lawful for the Visitors of any licensed House to direct that such House, and for

for the Commissioners to direct that any licensed House, shall be visited by a Physician, Surgeon, or Apothecary at any other Time or Times, not being oftener than once in every Day.

The Commissioners and Visitors, in Houses licensed for less than 11 Persons, may lessen the Number of Medical Visits.

LVIII. Provided always, and be it enacted, That when any House is licensed to receive less than Eleven Lunatics it shall be lawful for any Two of the Commissioners or any Two of the Visitors of such House, if they shall respectively so think fit, by any Writing under their Hands, to permit that such House shall be visited by a Physician, Surgeon, or Apothecary at such Intervals more distant than twice in every Week as such Commissioners or Visitors shall appoint, but not at a greater Interval than once in every Two Weeks.

A Book to be kept, to be called "The Medical Visitation Book," in which a weekly Entry is to be made, showing the Condition of the House and of the Patients.

LIX. And be it enacted, That every Physician, Surgeon, or Apothecary, where there shall be only One, keeping or residing in or visiting any licensed House or any Hospital, and where there shall be Two or more Physicians, Surgeons, or Apothecaries keeping or residing in or visiting any licensed House or any Hospital, then One at least of such Physicians, Surgeons, or Apothecaries, shall once in every Week (or, in the Case of any House at which Visits at more distant Intervals than once a Week are permitted, on every Visit,) enter and sign in a Book to be kept at such House or Hospital for that Purpose, to be called "The Medical Visitation Book," a Report, showing the Date thereof, and also the Number, Sex, and State of Health of all the Patients then in such House or Hospital, the Christian and Surname of every Patient who shall have been under Restraint, or in Seclusion, or under Medical Treatment, since the Date of the last preceding Report, the Condition of the House or Hospital, and every Death, Injury, and Act of Violence which shall have happened to or affected any Patient since the then last preceding Report, according to the Form in Schedule (H.) annexed to this Act; and every such Physician, Surgeon, or Apothecary who shall omit to enter or sign such Report as aforesaid shall for every such Omission forfeit and pay the Sum of Twenty Pounds; and every such Physician, Surgeon, or Apothecary who shall in any such Report as aforesaid enter any thing untruly shall be guilty of a Misdemeanor.

A Medical Case Book to be kept.

LX. And be it enacted, That there shall be kept in every licensed House and in every Hospital a Book to be called "The Case Book," in which the Physician, Surgeon, or Apothecary keeping or residing in or visiting such House or Hospital shall from Time to Time make Entries of the mental State and bodily Condition of each Patient, together with a correct Description of the Medicine and other Remedies prescribed for the Treatment of his Disorder; and that it shall be lawful for the Commissioners from Time to Time, by any Order under their Common Seal, to direct the Form in which such Case Book shall be kept by such Physician, Surgeon, or Apothecary; and immediately after a Copy of such Order shall have been transmitted by the Secretary of the Commissioners to such Physician, Surgeon, or Apothecary, such Physician, Surgeon, or Apothecary shall thereupon keep such Case Book in the Form which shall be directed by such Order; and that it shall be lawful for the Commissioners (whenever they shall see

fit) to require, by an Order in Writing under their Common Seal, such Physician, Surgeon, or Apothecary to transmit to the Commissioners a correct Copy of the Entries or Entry in any Case Book kept under the Provisions of this Act, relative to the Case of any Lunatic who is or may have been confined in any such licensed House or Hospital; and every such Physician, Surgeon, or Apothecary who shall neglect to keep the said Case Book, or to keep the same according to the Form directed by the Commissioners, or to transmit a Copy of the said Entry or Entries, pursuant to such Order or Orders as aforesaid, shall for every such Neglect forfeit any Sum not exceeding Ten Pounds.

All licensed Houses and Hospitals to be visited by the Commissioners.

LXI. And be it enacted, That every licensed House shall, without any previous Notice, be visited by Two at least of the Commissioners (one of whom shall be a Physician or Surgeon, and the other a Barrister,) Four Times at the least in every Year, if such House shall be within the immediate Jurisdiction of the Commissioners, and if not, twice at least in every Year; and every Hospital in which Lunatics shall be received shall, without any previous Notice, be visited by Two at least of the said Commissioners (one of whom shall be a Physician or Surgeon, and the other a Barrister,) once at least in every Year; and every such Visit shall be made on such Day or Days, and at such Hours of the Day, and for such Length of Time, as the Visiting Commissioners shall think fit, and also at such other Times (if any) as the said Commissioners in Lunacy shall direct; and such Visiting Commissioners, when visiting such House or Hospital, may and shall inspect every Part of such House or Hospital, and every Outhouse, Place, and Building communicating with such House or Hospital, or detached therefrom, but not separated by Ground belonging to any other Person, and every Part of the Ground or Appurtenances held, used, or occupied therewith, and see every Patient then confined in such House or Hospital, and inquire whether any Patient is under Restraint, and why, and inspect the Order and Certificates or Certificate for the Reception of every Patient who shall have been received into such House or Hospital since the last Visit of the Commissioners, and in the Case of any House licensed by Justices shall consider the Observations made in the Visitors Book for such House by the Visitors appointed by the Justices, and enter in the Visitors Book of such House or Hospital a Minute of the then Condition of the House or Hospital, and of the Patients therein, and the Number of Patients under Restraint, with the Reasons thereof, as stated, and such Irregularity (if any) as may exist in any such Order or Certificates as aforesaid, and also whether the previous Suggestions (if any) of the Visiting Commissioners or Visitors have or have not been attended to, and any Observations which they may deem proper as to any of the Matters aforesaid or otherwise, and also, if such Visit be the first after the granting a Licence to the House, shall examine such Licence, and, if the same be in conformity with the Provisions of this Act, sign the same, but if it be informal enter in such Visitors Book in what respect such Licence is informal: Provided also, that it shall be lawful for the Lord Chancellor, on a Representation by the Commissioners setting forth the Expediency of such Alteration, by any Writing under his Hand, to direct that any House

House licensed by Justices shall (during such Period as he shall therein specify, or until such his Direction shall be revoked,) be visited by the Commissioners once only in the Year, and also to direct that any House licensed by the Commissioners, and not receiving any Pauper Patients therein, shall (during such Period as he shall therein specify, or until such his Direction shall be revoked,) be visited by the Commissioners twice only in the Year.

Licensed Houses not within the immediate Jurisdiction of the Commissioners to be inspected Four Times a Year at least by the Visitors.

LXII. And be it enacted, That every licensed House within the Jurisdiction of any Visitors appointed by Justices shall be visited by Two at least of the said Visitors (one of whom shall be a Physician, Surgeon, or Apothecary,) Four Times at the least in every Year, on such Days, and at such Hours in the Day, and for such Length of Time as the said Visitors shall think fit, and also at such other Times (if any) as the Justices by whom such House shall have been licensed shall direct; and such Visitors when visiting any such House may and shall inspect every Part of such House, and every House, Outhouse, Place, and Building communicating therewith, or detached therefrom, but not separated by Ground belonging to any other Person, and every Part of the Ground or Appurtenances held, used, or occupied therewith, and see every Patient then confined therein, and inquire whether any Patient is under Restraint, and why, and inspect the Order and Certificates or Certificate for the Reception of every Patient who shall have been received into such House since the last Visit of the Visitors, and enter in the Visitors Book a Minute of the then Condition of the House, of the Patients therein, and the Number of Patients under Restraint, with the Reasons thereof as stated, and such Irregularity (if any) as may exist in any such Order or Certificates as aforesaid, and also whether the previous Suggestions (if any) of the Visitors or Visiting Commissioners have or have not been attended to, and any Observations which they may deem proper as to any of the Matters aforesaid or otherwise.

The Proprietor or Superintendent of every House and Hospital to show every Part and every Patient to the Visiting Commissioners and Visitors.

LXIII. And be it enacted, That the Proprietor or Superintendent of every licensed House or Hospital shall show to the Commissioners and Visitors respectively visiting the same every Part thereof respectively, and every Person detained therein as a Lunatic; and every Proprietor or Superintendent of any licensed House or any Hospital who shall conceal or attempt to conceal, or shall refuse or wilfully neglect to show, any Part of such House or Hospital, or any House, Outhouse, Place, or Building communicating therewith, or detached therefrom, but not separated as aforesaid, or any Part of the Ground or Appurtenances held, used, or occupied therewith, or any Person detained or being therein, from any Visiting Commissioners or Visitors, or from any Person authorized under any Power or Provision of this Act to visit and inspect such House or Hospital, or the Patients confined therein or any of them, shall be guilty of a Misdemeanor.

Inquiries to be made by the Commissioners and Visitors on their several Visitations.

LXIV. And be it enacted, That the Visiting Commissioners and Visitors respectively, upon their several Visitations to every licensed House and to every Hospital, shall inquire when Divine Service is performed, and to what Number of the Patients, and the Effect thereof; and also what Occupations or Amusements are provided for the Patients,

Patients, and the Result thereof; and whether there has been adopted any System of Non-coercion, and, if so, the Result thereof; and also as to the Classification of Patients; and also as to the Condition of the Pauper Patients (if any) when first received; and also as to the Dietary of the Pauper Patients (if any); and shall also make such other Inquiries as to such Visiting Commissioners or Visitors shall seem expedient; and every Proprietor or Superintendent of a licensed House or an Hospital who shall not give full and true Answers to the best of his Knowledge to all Questions which the Visiting Commissioners and Visitors respectively shall ask in reference to the Matters aforesaid shall be guilty of a Misdemeanor.

Books and Documents to be produced to Visiting Commissioners and Visitors.

LXV. And be it enacted, That upon every Visit of the Visiting Commissioners to any licensed House or to any Hospital, and upon every Visit of the Visitors to any licensed House, there shall be laid before such Visiting Commissioners or Visitors (as the Case may be), by the Proprietor or Superintendent of such licensed House or of such Hospital, a List of all the Patients then in such House or Hospital (distinguishing Pauper Patients from other Patients, and Males from Females, and specifying such as are deemed curable), and also the several Books by this Act required to be kept by the Proprietor or Superintendent and by the Medical Attendant of a licensed House or an Hospital, and also all Orders and Certificates relating to Patients admitted since the last Visitation of the Commissioners or Visitors (as the Case may be), and also, in the Case of a licensed House, the Licence then in force for such House, and also all such other Orders, Certificates, Documents, and Papers relating to any of the Patients at any Time received into such licensed House or Hospital as the Visiting Commissioners or Visitors shall from Time to Time require to be produced to them; and the said Visiting Commissioners or Visitors, as the Case may be, shall sign the said Books as having been produced to them.

A Book to be kept called "The Visitor's Book," for the Result of Inspection and Inquiries;

and a Book called "The Patient's Book," for Observations as to State of Patients.

LXVI. And be it enacted, That there shall be hung up in some conspicuous Part of every licensed House a Copy of the Plan given to the Commissioners or Justices on applying for the Licence for such House; and that there shall be kept in every licensed House and in every Hospital in which Lunatics shall be received a Queen's Printer's Copy of this Act, bound up in a Book to be called "The Visitors Book," and that the said Visiting Commissioners and Visitors respectively shall at the Time of their respective Visitations enter therein the Result of the Inspections and Inquiries herein-before directed or authorized to be made by them respectively, with such Observations (if any) as they shall think proper; and that there shall also be kept in every such House and Hospital a Book to be called "The Patients Book," and that the said Visiting Commissioners and Visitors respectively shall at the Times of their respective Visitations enter therein such Observations as they may think fit respecting the State of Mind or Body of any Patient in such House or Hospital.

Proprietor or resident Superintendent to

LXVII. And be it enacted, That the Proprietor or resident Superintendent of every licensed House and of every Hospital shall, within Three Days after every such Visit by the Visiting Commissioners

sioners as aforesaid, transmit a true and perfect Copy of the Entries made by them in "The Visitors Book," "The Patients Book," and "The Medical Visitation Book" respectively (distinguishing the Entries in the several Books) to the Commissioners, and shall, within Three Days after every such Visitation by the Visitors, transmit a true and perfect Copy of the Entries made by them as aforesaid (distinguishing as aforesaid) to the Commissioners and also to the Clerk of the Visitors; and the Copies so transmitted to the Clerk of the Visitors of all such Entries relating to any licensed House, and made since the Grant or last Renewal of the Licence thereof, shall be laid before the Justices on taking into consideration the Renewal of the Licence to the House to which such Entries shall relate; and every such Proprietor or Superintendent as aforesaid who shall omit to transmit, as herein-before directed, a true and perfect Copy of every or any such Entry as aforesaid, shall for every such Omission forfeit a Sum not exceeding Ten Pounds.

transmit all Entries by Visitors and Visiting Commissioners to the Clerk of the Visitors and to the Commissioners.

LXVIII. And be it enacted, That the Commissioners visiting any House licensed by Justices shall carefully consider and give special Attention to the State of Mind of any Patient therein confined, as to the Propriety of whose Detention they shall doubt (or as to whose Sanity their Attention shall be specially called), and shall, if they shall think that the State of Mind of such Patient is doubtful, and that the Propriety of his Detention requires further Consideration, make and sign a Minute thereof in the Patients Book of such House; and a true and perfect Copy of every such Minute shall, within Two clear Days after the same shall have been made, be sent by the Proprietor or Superintendent of such House to the Clerk of the Visitors of such House, and such Clerk shall forthwith communicate the same to the said Visitors, or some Two of them (of whom a Physician, Surgeon, or Apothecary shall be One), and such Visitors shall thereupon immediately visit such Patient, and act as they shall see fit; and every such Proprietor or Superintendent who shall omit to send a true and perfect Copy, as herein-before directed, of every or any such last-mentioned Minute, and every Clerk who shall neglect to communicate the same to Two of the Visitors as aforesaid, shall be guilty of a Misdemeanor.

Commissioners visiting a House licensed by Justices to make an Entry in the Patients Book as to the State of Mind of any doubtful Patient, and the same to be sent to the Clerk of the Visitors, who are thereupon to visit such Patient.

LXIX. And be it enacted, That the Visiting Commissioners shall, after every Visitation by them to every licensed House not being within their immediate Jurisdiction, and to every Hospital, report in Writing the general Result of their Inspection thereof (together with such special Circumstances, if any, as they may deem proper to notice,) to the Commissioners, and the Secretary of the Commissioners shall thereupon enter the same in a Book to be kept for that Purpose.

Visiting Commissioners to report on every House and Hospital not within their immediate Jurisdiction.

LXX. And be it enacted, That it shall be lawful for the Commissioners or any Five of them, at any quarterly or Special Meeting, by any Resolution or Resolutions under their Common Seal, or to be entered in a Book to be kept for that Purpose, and signed by Five at least of the Commissioners present at such Meeting, from Time to

Power for the Commissioners or any Five of them to make Rules.

Time to make such Orders and Rules as they shall think fit for regulating the Duties of the Commissioners or any of them, or of their Secretary, Clerks, and Servants, or for the due or better Performance of the Business of the Commission: Provided nevertheless, that the Secretary of the Commissioners shall give to every Commissioner, so far as Circumstances will admit, not less than Seven Days Notice of every such Special Meeting, and shall in the Summons for such Special Meeting state the Purposes for which the same is intended to be held.

Power in certain Cases to visit by Night.

LXXI. And be it enacted, That it shall be lawful for any Two or more of the Commissioners, or any Two Visitors, to visit and to inspect any licensed House or Hospital at such Hour of the Night as they shall think fit: Provided nevertheless, that no such Visitor shall make any such Visitation or Inspection except of a licensed House within their Jurisdiction.

The Person who signed the Order for the Reception of a private Patient may order his Discharge or Removal.

LXXII. And be it enacted, That if and when any Person who signed the Order on which any Patient (not being a Pauper) was received into any licensed House or into any Hospital shall by Writing under his Hand direct that such Patient shall be discharged or removed, then and in such Case such Patient shall forthwith be discharged or removed, as the Person who signed the Order for his Reception shall direct.

Provision for the Discharge of a private Patient when the Person who signed the Order for his Reception is incapable.

LXXIII. And be it enacted, That if the Person who signed the Order on which any Patient (not being a Pauper) was received into any licensed House or into any Hospital be incapable by reason of Insanity or Absence from *England*, or otherwise, of giving an Order for the Discharge or Removal of such Patient, or if such Person be dead, then and in any of such Cases the Husband or Wife of such Patient, or if there be no such Husband or Wife, the Father of such Patient, or if there be no Father, the Mother of such Patient, or if there be no Mother, then any one of the nearest of Kin for the Time being of such Patient, or the Person who made the last Payment on account of such Patient, may by any Writing under his or her Hand give such Direction as aforesaid for the Discharge or Removal of such Patient, and thereupon such Patient shall be forthwith discharged or removed as the Person giving such Direction shall direct.

Mode of Removal or Discharge of Pauper Patients.

LXXIV. And be it enacted, That the Guardians of any Parish or Union may by a Minute of their Board, or an officiating Clergyman of any Parish not under a Board of Guardians, and One of the Overseers thereof, or any Two Justices of the County or Borough in which such last-mentioned Parish is situate, may by Writing under the Hands respectively of such Clergyman and Overseer or of such Justices direct that any Pauper Patient belonging to such Parish or Union, and detained in any licensed House or any Hospital, shall be discharged or removed therefrom, and may direct the Mode of such Discharge or Removal; and if a Copy of such Minute or such Writing be produced to the Proprietor or Superintendent of such licensed House or such Hospital, he shall forthwith discharge or remove such

Patient, or cause or suffer such Patient to be discharged or removed accordingly.

No Patient to be removed under any of the preceding Powers, if certified to be dangerous, unless the Commissioners or Visitors consent, or for the Purpose of Transfer to some other Asylum.

LXXV. Provided always, nevertheless, and be it enacted, That no Patient shall be discharged or removed, under any of the Powers herein-before contained, from any licensed House or any Hospital, if the Physician, Surgeon, or Apothecary by whom the same shall be kept, or who shall be the regular Medical Attendant thereof, shall by Writing under his Hand certify that in his Opinion such Patient is dangerous and unfit to be at large, together with the Grounds on which such Opinion is founded, unless the Commissioners visiting such House or the Visitors of such House shall, after such Certificate shall have been produced to them, give their Consent in Writing that such Patient shall be discharged or removed; provided that nothing herein contained shall prevent any Patient from being transferred from any licensed House or any Hospital to any other licensed House or any other Hospital, or to any Asylum, but in such Case every such Patient shall be placed under the Control of an Attendant belonging to the licensed House, Hospital, or Asylum to or from which he shall be about to be removed for the Purpose of such Removal, and shall remain under such Control until such Time as such Removal shall be duly effected.

Commissioners may discharge any Patient confined in a House licensed by themselves.

LXXVI. And be it enacted, That it shall be lawful for any Two or more of the Commissioners to make Visits to any Patient detained in any House licensed by the Commissioners, on such Days and at such Hours as they shall think fit; and if after Two distinct and separate Visits so made (Seven Days at least to intervene between such Visits) it shall appear to such Visiting Commissioners that such Patient is detained without sufficient Cause, it shall be lawful for the Commissioners, if they shall think fit, to make such Order as to the Commissioners shall seem meet for the Discharge of such Patient, and such Patient shall be discharged accordingly.

Two Commissioners may make special Visits to discharge any Patient confined in a House licensed by Justices or in an Hospital.

LXXVII. And be it enacted, That it shall be lawful for any Two or more of the Commissioners, of whom One shall be a Physician and One a Barrister, to make special Visits to any Patient detained in any House licensed by the Justices or in any Hospital, on such Days and at such Hours as they shall think fit; and if after Two distinct and separate Visits so made it shall appear to such Visiting Commissioners that such Patient is detained without sufficient Cause, they may make such Order as to them shall seem meet for the Discharge of such Patient, and such Patient shall be discharged accordingly.

Similar Powers for Two Visitors as to Houses within their Jurisdiction.

LXXVIII. And be it enacted, That it shall be lawful for any Two or more of the Visitors of any licensed House, of whom One shall be a Physician, Surgeon, or Apothecary, to make special Visits to any Patient detained in such House, on such Days and at such Hours as they shall think fit; and if after Two distinct and separate Visits so made it shall appear to such Visitors that such Patient is detained without sufficient Cause, they may make such Order as to them shall seem meet for the Discharge of such Patient, and such Patient shall be discharged accordingly.

LXXIX. Pro-

Every Order for the Discharge of a Patient under the last preceding Powers to be signed by the Persons exercising them, and to be subject to certain Restrictions.

LXXIX. Provided always, and be it enacted, That every such Order by any Commissioners or Visitors for the Discharge of a Patient from any House licensed by Justices, or from any Hospital, shall be signed by them, and that each of such special Visits shall be by the same Commissioners or Visitors; and that it shall not be lawful for such Commissioners or Visitors to order the Discharge of any Patient from any such last-mentioned House or Hospital without having previously, if the Medical Attendant of such House or Hospital shall have tendered himself for that Purpose, examined him as to his Opinion respecting the Fitness of such Patient to be discharged; and if such Commissioners or Visitors shall, after so examining such Medical Attendant, discharge such Patient, and such Medical Attendant shall furnish them with any Statement in Writing containing his Reasons against the Discharge of such Patient, they shall forthwith transmit such Statement to the Commissioners or to the Clerk of the Visitors, as the Case may require, to be kept and registered in a Book for that Purpose.

The last preceding Powers to be exercised under certain other Restrictions.

LXXX. Provided also, and be it enacted, That not less than Seven Days shall intervene between the First and Second of such special Visits; and that such Commissioners or Visitors shall, Seven Days previously to the Second of such special Visits, give Notice thereof, either by Post or by an Entry in the Patients Book, to the Proprietor or Superintendent of the House licensed by Justices or of the Hospital in which the Patient intended to be visited is detained; and that such Proprietor or Superintendent shall forthwith, if possible, transmit by Post a Copy of such Notice, in the Case of a Patient not being a Pauper, to the Person by whose Authority such Patient was received into such House, or by whom the last Payment on account of such Patient was made, and in the Case of a Pauper, to the Guardians of his Parish or Union, or if there be no such Guardians, to One of the Overseers for the Time being of his Parish, and also in the Case of any Patient detained in a House licensed by Justices, to the Clerk of the Visitors of such House.

Preceding Powers not to extend to Persons found lunatic by Inquisition, or confined under Authority of Secretary of State.

LXXXI. Provided always, nevertheless, and be it enacted, That none of the Powers of Discharge herein-before contained shall extend to any Person who shall have been found lunatic by Inquisition or under any Inquiry directed by the Lord Chancellor, in pursuance of the Powers in that Behalf herein-after given to him, nor to any Lunatic confined under any Order or Authority of Her Majesty's Principal Secretary of State for the Home Department, or under the Order of any Court of Criminal Jurisdiction.

Power for Visitors and Visiting Commissioners to regulate the Dietary of Pauper Patients.

LXXXII. And be it enacted, That it shall be lawful for the Visitors of any licensed House at any Time to determine and regulate the Dietary of the Pauper Patients therein; and that it shall be lawful for the Visiting Commissioners at any Time to determine and regulate the Dietary of the Pauper Patients in any licensed House or in any Hospital; and that if such Determination and Regulation of any Visitors and of the Visiting Commissioners shall not agree with each other, then the Determination and Regulation of the Visiting Commissioners shall be followed: Provided always, nevertheless,

theless, that every such Regulation shall be made to take effect only from such Time as not to affect any Contract existing on the First Day of *June* last for the Maintenance of Pauper Patients before the First Day of *June* One thousand eight hundred and forty-six, or the Expiration of such Contract, whichever shall first happen.

Power for any Visitor to give an Order to the Clerk of the Visitors to search and give Information.

LXXXIII. And be it enacted, That if any Person shall apply to any Visitor in order to be informed whether any particular Person is confined in any licensed House within the Jurisdiction of such Visitor, the said Visitor, if he shall think it reasonable to permit such Inquiry to be made, shall sign an Order to the Clerk of the Visitors, and the said Clerk shall, on Receipt of such Order, and on Payment to him of a Sum not exceeding Seven Shillings for his Trouble, make search amongst the Returns made to him in pursuance of this Act whether the Person inquired after is or has been within the then last Twelve Calendar Months confined in any licensed House within the Jurisdiction of such Visitor; and if it shall appear that such Person is or has been so confined the said Clerk shall deliver to the Person so applying a Statement in Writing, specifying the Situation of the House in which the Person so inquired after appears to be or to have been confined, and of the Name of the Proprietor or resident Superintendent thereof, and also the Date of the Admission of such Person into such licensed House, and (in case of his having been removed or discharged) the Date of his Removal or Discharge therefrom.

Power for any Commissioner to give an Order to the Secretary of the Commissioners to search and give Information whether any particular Person is or has been within Twelve Months confined in any House or Hospital.

LXXXIV. And be it enacted, That if any Person shall apply to any Commissioner in order to be informed whether any particular Person is confined in any licensed House, or in any Hospital, Asylum, or other Place by this Act made subject to the Visitation of the Commissioners, such Commissioner, if he shall think it reasonable to permit such Inquiry to be made, shall sign an Order to the Secretary of the Commissioners, and the Secretary shall, on the Receipt of such Order, and on Payment to him of a Sum not exceeding Seven Shillings (to be applied as herein-before provided), make search amongst the Returns made in pursuance of this Act, or of any of the Acts hereby repealed, whether the Person inquired after is or has been within the last Twelve Calendar Months confined in any House, Hospital, Asylum, or Place by this Act made subject to the Visitation of the Commissioners; and if it shall appear that such Person is or has been so confined the Secretary shall deliver to the Person so applying a Statement in Writing, specifying the Situation of the House, Hospital, Asylum, or Place in which the Person so inquired after appears to be or to have been confined, and also (so far as the said Secretary can ascertain the same from any Register or Return in his Possession) the Name of the Proprietor, Superintendent, or principal Officer of such House, Hospital, Asylum, or Place, and also the Date of the Admission of such Person into such licensed House, Hospital, Asylum, or other Place, and (in case of his having been removed or discharged) the Date of his Removal or Discharge therefrom.

Any One Commissioner or Visitor may give an Order for the Admission to any Patient of any Friend or Relation, or any Person named by a Friend or Relation.

LXXXV. And be it enacted, That it shall be lawful for any One of the Commissioners, as to Patients confined in any House, Hospital, or other Place (not being a Gaol) hereby authorized to be visited by the Commissioners, and also for any One of the Visitors of any licensed House as to Patients confined in such House, at any Time to give an Order in Writing under the Hand of such One Commissioner or Visitor for the Admission to any Patient of any Relation or Friend of such Patient (or of any medical or other Person whom any Relation or Friend of such Patient shall desire to be admitted to him), and such Order of Admission may be either for a single Admission, or for an Admission for any limited Number of Times, or for Admission generally at all reasonable Times, and either with or without any Restriction as to such Admission or Admissions being in the Presence of a Keeper or not, or otherwise; and if the Proprietor or Superintendent of any such House, Hospital, or Place shall refuse Admission to, or shall prevent or obstruct the Admission to any Patient of, any Relation, Friend, or other Person who shall produce such Order of Admission as aforesaid, he shall for every such Refusal, Prevention, or Obstruction forfeit a Sum not exceeding Twenty Pounds.

Proprietor or Superintendent, with Consent of Two Commissioners or Visitors, may take or send a Patient to any Place for his Health.

LXXXVI. And be it enacted, That it shall be lawful for the Proprietor or Superintendent of any licensed House or of any Hospital, with the Consent in Writing of any Two of the Commissioners, or in the Case of a House licensed by Justices of any Two of the Visitors of such House, to send or take, under proper Control, any Patient to any specified Place for any definite Time for the Benefit of his Health: Provided always, nevertheless, that before any such Consent as aforesaid shall be given by any Commissioners or Visitors the Approval in Writing of the Person who signed the Order for the Reception of such Patient, or by whom the past Payment on account of such Patient was made, shall be produced to such Commissioners or Visitors, unless they shall, on cause being shown, dispense with the same.

In case of the Removal of a Patient, or of his Escape and Recapture within Fourteen Days, the original Order for his Reception to remain in force.

LXXXVII. And be it enacted, That in every Case in which any Patient shall, under any of the Powers or Provisions of this Act, be removed temporarily from the House or Hospital into which the Order for his Reception was given, or be transferred from such House or Hospital into any new House, and also in every Case in which any Patient shall escape from any House or Hospital, and shall be retaken within Fourteen Days next after such Escape, the Certificate or Certificates relating to and the original Order for the Reception of such Patient shall respectively remain in force, in the same Manner as the same would have done if such Patient had not been so removed or transferred, or had not so escaped and been retaken.

Commissioners to report to the Lord Chancellor periodically.

LXXXVIII. And be it enacted, That the Commissioners shall, at the Expiration of every Six Calendar Months, report to the Lord Chancellor the Number of Visits which they shall have made, the Number of Patients whom they shall have seen, and the Number of Miles which they shall have travelled during such Months, and shall on the First Day of *January* in each Year make a Return to the

Lord Chancellor of all Sums received by them for travelling Expences, or upon any other and what Account, and shall also in the Month of *June* in every Year make to the Lord Chancellor a Report of the State and Condition of the several Houses, Hospitals, Asylums, and other Places visited by them under this Act, and of the Care of the Patients therein, and of such other Particulars as they shall think deserving of Notice; and a true Copy of such Reports, showing the Number of Visits made, the Number of Patients seen, and the Number of Miles travelled, and also a Copy of such Return of Sums received for travelling Expences, or on any other and what Account, shall be laid before Parliament within Twenty-one Days next after the Commencement of every Session of Parliament.

Constitution of the Private Committee.

LXXXIX. And be it enacted, That the permanent Chairman for the Time being of the Commissioners, and Two other of the Commissioners to be appointed by the Lord Chancellor from Time to Time as Occasion may require (one of whom shall be a Physician or Surgeon, and the other a Barrister), shall be a Committee, to be called "The Private Committee," for the Purposes herein-after mentioned.

No Person (except a Person deriving no Profit, or a Committee,) to take charge of a single Lunatic, except upon such Order and Medical Certificates as aforesaid, and under certain Obligations.

XC. And be it enacted, That no Person (unless he be a Person who derives no Profit from the Charge, or a Committee appointed by the Lord Chancellor) shall receive to board or lodge in any House, other than an Hospital registered under this Act, or an Asylum, or a House licensed under this Act, or under one of the Acts herein-before repealed, or take the Care or Charge of any One Patient as a Lunatic or alleged Lunatic, without the like Order and Medical Certificates in respect of such Patient as are herein-before required on the Reception of a Patient (not being a Pauper) into a licensed House; and that every Person (except a Person deriving no Profit from the Charge, or a Committee appointed by the Lord Chancellor,) who shall receive to board or lodge in any unlicensed House, not being a registered Hospital or an Asylum, or take the Care or Charge of any One Patient as a Lunatic or alleged Lunatic, shall, within Seven clear Days after so receiving or taking such Patient, transmit to the Secretary of the Commissioners a true and perfect Copy of the Order and Medical Certificates on which such Patient has been so received, and a Statement of the Date of such Reception, and of the Situation of the House into which such Patient has been received, and of the Christian and Surname and Occupation of the Occupier thereof and of the Person by whom the Care and Charge of such Patient has been taken; and every such Patient shall at least Once in every Two Weeks be visited by a Physician, Surgeon, or Apothecary not deriving, and not having a Partner, Father, Son, or Brother who derives, any Profit from the Care or Charge of such Patient; and such Physician, Surgeon, or Apothecary shall enter in a Book, to be kept at the House or Hospital for that Purpose, to be called "The Medical Visitation Book," the Date of each of his Visits, and a Statement of the Condition of the Patient's Health, both mental and bodily, and of the Condition of the House in which such Patient is, and such Book shall be produced to the Visiting Commissioner on every Visit, and shall be signed by him as having been so produced; and the Person

Person by whom the Care or Charge of such Patient has been taken, or into whose House he has been received as aforesaid, shall transmit to the Secretary of the Commissioners the same Notices and Statements of the Death, Removal, Escape, and Re-capture of such Lunatic, and within the same Periods, as are herein-before required in the Case of the Death, Removal, Escape and Re-capture of a Patient (not being a Pauper) received into a licensed House; and that every Person who shall receive into an unlicensed House, not being a registered Hospital nor an Asylum, or take the Care or Charge of any Person therein as a Lunatic, without first having such Order and Medical Certificates as aforesaid, or who, having received any such Patient, shall not within the several Periods aforesaid transmit to the Secretary of the Commissioners such Copy, Statement, and Notices as aforesaid, or shall fail to cause such Patient to be so visited by a Medical Attendant as aforesaid, and every such Medical Attendant who shall make an untrue Entry in the said Medical Visitation Book, shall be guilty of a Misdemeanor.

Copy of the Order and Certificates, &c. with respect to Lunatics received into an unlicensed House to be entered in a private Register.

XCI. And be it enacted, That the Secretary to the Commissioners shall preserve every Copy transmitted as aforesaid of the Order and Certificates for the Reception of any Patient as a Lunatic into an unlicensed House, and every Statement and Notice which may be transmitted to such Secretary with respect to any such Patient as aforesaid, and shall enter the same (in such Form as the Private Committee shall direct) in a Book to be kept for that Purpose, to be called "The Private Register," and such Private Register shall be kept by such Secretary in his own Custody, and shall be inspected only by the Members for the Time being of the said Private Committee, and by such other Persons as the Lord Chancellor shall by Writing under his Hand appoint.

Members of the Private Committee to visit unlicensed Houses receiving a single Patient, and report.

XCII. And be it enacted, That it shall be lawful for any One Member of the said Private Committee, on the Direction of such Committee, or of any Two Members thereof (of whom the One Member aforesaid may be One), at all reasonable Times to visit every or any unlicensed House in which One Patient only is received as a Lunatic (unless such Patient be so received by a Person deriving no Profit from the Charge, or by a Committee appointed by the Lord Chancellor), and to inquire and report to the said Private Committee on the Treatment and State of Health, both bodily and mental, of such Patient; and a Copy of every or any such Report shall be entered in a Private Register, to be kept for that Purpose, by the Secretary of the Commissioners, and another Copy thereof shall, if such Private Committee think it expedient, be laid before the Lord Chancellor.

The Lord Chancellor on such Report, and the Representation of the Private Committee,

XCIII. And be it enacted, That it shall be lawful for the Lord Chancellor, on the Representation of the said Private Committee, accompanied with a Copy of a Report made as last aforesaid as to any Patient received or detained as a Lunatic in an unlicensed House as aforesaid, to make an Order that such Patient shall be removed from such House, and from the Care and Charge of the Person under whose Care and Charge such Lunatic may be; and any

any Person detaining such Lunatic in such House, or in such Care or Charge, for the Space of Three Days after a Copy of such Order shall have been left at such House or served on such Person, shall be guilty of a Misdemeanor.. may order a Lunatic to be removed.

XCIV. And be it enacted, That whenever the Commissioners shall have Reason to suppose that the Property of any Person detained or taken charge of as a Lunatic is not duly protected, or that the Income thereof is not duly applied for his Maintenance, such Commissioners shall make such Inquiries relative thereto as they shall think proper, and report thereon to the Lord Chancellor. Commissioners to report if Property of Lunatics be not duly protected or applied.

XCV. And be it enacted, That when any Person shall have been received or taken charge of as a Lunatic upon an Order and Certificates, or an Order and Certificate, in pursuance of the Provisions of this Act, or of any Act herein-before repealed, and shall either have been detained as a Lunatic for the Twelve Months then last past, or shall have been the Subject of a Report by the Commissioners in pursuance of the Provision lastly herein-before contained, it shall be lawful for the Lord Chancellor to direct that One of the said Masters in Lunacy shall, and thereupon One of the said Masters shall personally examine such Person, and shall take such Evidence and call for such Information as to such Master shall seem necessary to satisfy him whether such Person is a Lunatic, and shall report thereon to the Lord Chancellor, and such Report shall be filed with the Secretary of Lunatics; and it shall be lawful for the Lord Chancellor from Time to Time to make Orders for the Appointment of a Guardian, or otherwise for the Protection, Care, and Management of the Person of any Person who shall by any such Report as last aforesaid be found to be a Lunatic, and such Guardian shall have the same Powers and Authorities as a Committee of the Person of a Lunatic found such by Inquisition now has, and also to make Orders for the Appointment of a Receiver, or otherwise for the Protection, Care, and Management of the Estate of such Lunatic, and such Receiver shall have the same Powers and Authorities as a Receiver of the Estate of a Lunatic found such by Inquisition now has, and also to make Orders for the Application of the Income of such Lunatic, or a sufficient Part thereof, for his Maintenance and Support, and in Payment of the Costs, Charges, and Expences attending the Protection, Care, and Management of the Person and Estate of such Lunatic, and also as to the Investment or other Application for the Purpose of Accumulation of the Overplus, if any, of such Income, for the Use of such Lunatic, as to the Lord Chancellor shall from Time to Time in each Case seem fit: Provided always, that such Protection, Care, and Management shall continue only during such Time as such Lunatic shall continue to be detained as a Lunatic upon an Order and Certificates or Certificate as aforesaid, and for such further Time, not exceeding Six Months, as the Lord Chancellor may fix: Provided also, that it shall be lawful for the Lord Chancellor in any such Case, either before or after directing such Inquiry by such Master as aforesaid, and whether such Master shall have made a Report as aforesaid or not, to direct a Commission The Lord Chancellor to direct the Master in Lunacy to report as to the Lunacy of any Person detained as a Lunatic, and to appoint Guardians of his Person and Estate, and direct the Application of his Income.

in the Nature of a Writ De lunatico inquirendo to issue, to inquire of the Lunacy of such Person.

Masters in Lunacy to have all necessary Powers of Inquiry, and to make Inquiries referred to them.

XCVI. And be it enacted, That such Masters shall have Power, in the Prosecution of all Inquiries and Matters which may be referred to them as aforesaid or otherwise under this Act, to summon Persons before them, and to administer Oaths, and take Evidence, either *vivâ voce* or on Affidavit, and to require the Production of Books, Papers, Accounts, and Documents; and that the Lord Chancellor may by any Order (either general or particular) refer to the said Masters any Inquiries under the Provisions of this Act relating to the Person and Estate of any Lunatic as to whom a Report shall be made by a Master as aforesaid, in like Manner as Inquiries relating to the Persons and Estates of Lunatics found such by Inquisition are now referred to them.

Lord Chancellor to make Orders and Regulations, and fix Fees.

XCVII. And be it enacted, That it shall be lawful for the Lord Chancellor from Time to Time to make such Orders as shall to him seem fit for regulating the Form and Mode of Proceeding before the Lord Chancellor and before the said Masters, and of any other Proceedings pursuant to the Provisions of this Act, for the due Protection, Care, and Management of the Persons and Estates of Lunatics as to whom such Reports shall be made by the said Masters as aforesaid, and also for fixing, altering, and discontinuing the Fees to be received and taken in respect of such Proceedings, as to the Lord Chancellor shall from Time to Time seem fit: Provided nevertheless, that all Fees to be so received and taken shall be paid into the Bank of *England*, and placed to the Credit of the Accountant General of the Court of Chancery, to the Account intituled "The Suitors Fee Fund Account," in like Manner as and together with the Fees payable under the Act passed in the Fifth and Sixth Years of Her present Majesty, intituled *An Act to alter and amend the Practice and Course of Proceeding under Commissions in the Nature of Writs De lunatico inquirendo*, and be applied in like Manner as such last-mentioned Fees.

5 & 6 Vict. c. 84.

Masters Expences how to be paid.

XCVIII. And be it enacted, That the travelling and other Expences of the said Masters and their Clerks shall be paid to them, by virtue of any Order or Orders of the Court of Chancery, out of the said Fund, intituled "The Suitors Fee Fund Account," in the same Manner as their Expences under the said last-mentioned Act.

Proprietors, Superintendents, and other authorized Persons, may plead the Order and Certificates for receiving any Lunatic in bar of all Proceedings at Law.

XCIX. And be it enacted, That every Proprietor and Superintendent of a licensed House or registered Hospital, and every other Person hereby or by any of the Acts herein-before repealed authorized to receive or take charge of a Lunatic upon an Order, and who shall receive or has received a proper Order, in pursuance of this Act or any of the said repealed Acts, accompanied with the required Medical Certificates or Certificate, for the Reception or taking charge of any Person as a Lunatic, and the Assistants and Servants of such Proprietor, Superintendent, or other Person, shall have Power and Authority to take charge of, receive, and detain such Patient until he

shall die, or be removed or discharged by due Authority, and in case of the Escape at any Time or Times of such Patient to retake him at any Time within Fourteen Days after such Escape, and again to detain him as aforesaid; and in every Writ, Indictment, Information, Action, and other Proceeding which shall be preferred or brought against any such Proprietor, Superintendent, or other Person authorized as aforesaid, or against any Assistant or Servant of any such Proprietor, Superintendent, or authorized Person, for taking, confining, detaining, or retaking any Person as a Lunatic, the Party complained of may plead such Order and Certificates or Certificate in defence to any such Writ, Indictment, Information, Action, or other Proceeding as aforesaid, and such Order and Certificates or Certificate shall, as respects such Party, be a Justification for taking, confining, detaining, or retaking such Lunatic or alleged Lunatic.

Commissioners and Visitors may summon Witnesses to give Evidence, with a Penalty for Noncompliance.

C. And be it enacted, That it shall be lawful for the Commissioners, or any Two of them, and also for the Visitors of any licensed House, or any Two of such Visitors, from Time to Time, as they shall see Occasion, to require, by Summons under the Common Seal of the Commission, if by the Commissioners, and if by Two only of the Commissioners or by Two Visitors, then under the Hands and Seals of such Two Commissioners or Two Visitors, as the Case may be, (according to the Form in Schedule (I.) annexed to this Act, or as near thereto as the Case will permit,) any Person to appear before them to testify on Oath the Truth touching any Matters respecting which such Commissioners and Visitors respectively are by this Act authorized to inquire (which Oath such Commissioners or Visitors are hereby empowered to administer); and every Person who shall not appear before such Commissioners or Visitors pursuant to such Summons, or shall not assign some reasonable Excuse for not so appearing, or shall appear and refuse to be sworn or examined, shall, on being convicted thereof before One of Her Majesty's Justices for the County or Borough within which the Place at which such Person shall have been by such Summons required to appear and give Evidence is situate, shall for every such Neglect or Refusal forfeit a Sum not exceeding Fifty Pounds.

Provision for the Payment of Witnesses Expences.

CI. And be it enacted, That it shall be lawful for any Commissioners or Visitors who shall summon any Person to appear and give Evidence as aforesaid to direct the Secretary of the Commissioners or the Clerk of such Visitors, as the Case may be, to pay to such Person all reasonable Expences of his Appearance and Attendance in pursuance of such Summons, the same to be considered as Expences incurred by such Commissioners and Visitors respectively in the Execution of this Act, and to be taken into account and paid accordingly.

Upon Complaint made of any Offence against this Act, Justices to

CII. And be it enacted, That every Complaint or Information of or for any Offence against this Act, where any pecuniary Penalty is hereby imposed, (except when hereby otherwise provided for,) may be made before One Justice; and when any Person shall be charged upon Oath before a Justice for any such Offence against this Act, such Justice

require the Attendance of the Person charged, and adjudicate thereon.

Justice may summon the Person charged to appear at a Time and Place to be named in such Summons, and if he shall not appear accordingly, and upon Proof of the due Service of the Summons (either personally or by leaving the same at his last or usual Place of Abode) any Two Justices may either proceed to hear and determine the Case, or may issue their Warrant for apprehending such Person, and bringing him before any Two Justices; and any Two Justices shall and may, upon the appearing of such Person pursuant to such Summons, or upon such Person being apprehended with such Warrant, or upon the Non-appearance of such Person, hear the Matter of every such Complaint or Information, and make any such Determination thereon as such Justices shall think proper; and upon Conviction of any Person such Justices may, if they shall think fit, reduce the Amount of the Penalty by this Act imposed for such Offence to any Sum not less than One Fourth of the Amount thereof, and shall and may issue a Warrant under their Hands and Seals for levying such Penalty or reduced Penalty, and all Costs and Charges of such Summons, Warrant, and Hearing and all incidental Costs and Charges, by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall be lawful for any such Two Justices to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give Security, to the Satisfaction of such Justices, by way of Recognizance or otherwise, for his Appearance before such Justices on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking any such Security; but if upon the Return of such Warrant of Distress it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, and such Costs and Charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereupon the said Penalty, Costs, and Charges may be levied, such Justices shall and may, by Warrant under their Hands and Seals, commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty, and all such Costs and Charges as aforesaid, shall be sooner paid; and all such Penalties, when recovered, shall be paid, when the Complaint or Information shall be laid or brought by or by the Direction of the Commissioners, to the Secretary of the Commissioners, to be by him applied and accounted for as herein-before directed with respect to Monies received for Licences granted by the Commissioners, and when the Complaint or Information shall be laid or brought by the Direction of any Visitors, to the Clerk of the Peace for the County or Borough, to be by him applied and accounted for as herein-before directed with respect to Monies received for Licences granted by the Justices of such County or Borough; and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty and all Costs and Charges as aforesaid, shall be paid, upon demand, to the Owner of the Goods and Chattels so distrained.

Recovery of Penalties, and Application thereof.

CIII. And

Form of Conviction before Justices.

CIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act for which a pecuniary Penalty is imposed may cause the Conviction to be drawn up in the following Form, or in any other Form to the same Effect, as the Case may require; and that no Conviction under this Act shall be void through Want of Form:

'BE it remembered, That on the Day of in the Year of our Lord at in the County [*or* Borough] of *A.B.* was convicted before us of Her Majesty's Justices of the Peace for the said County [*or* Borough], for that he the said did and we the said adjudge the said for his Offence to pay the Sum of .'

Appeal to Quarter Sessions.

CIV. Provided always, and be it enacted, That any Person who shall think himself aggrieved by any Order or Determination of any Justices under this Act may, within Four Calendar Months after such Order made or given, appeal to the Justices at General or Quarter Sessions, the Person appealing having first given at least Fourteen clear Days Notice in Writing of such Appeal, and the Nature and Matter thereof, to the Person appealed against, and forthwith after such Notice entering into a Recognizance before some Justice, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices at General or Quarter Sessions, upon the Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Appeal, or, if they think proper, adjourn the hearing thereof until the next General or Quarter Sessions, and, if they see Cause, may mitigate any Penalty to not less than One Fourth of the Amount imposed by this Act, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices at General or Quarter Sessions shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Actions to be commenced within Six Calendar Months.

Act may be given in Evidence.

CV. And be it enacted, That if any Action or Suit shall be brought against any Person for any thing done in pursuance of this Act or of any of the Acts hereby repealed, the same shall be commenced within Twelve Calendar Months next after the Release of the Party bringing the Action, and shall be laid or brought in the County or Borough where the Cause of Action shall have arisen, and not elsewhere; and the Defendant in every such Action or Suit may, at his Election, plead specially or the General Issue Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought in any other County or Borough than as aforesaid, or shall not have been

commenced within the Time before limited for bringing the same, then the Jury shall find a Verdict for the Defendant; and upon a Verdict being so found, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant shall recover Double Costs, and have such Remedy for recovering the same as any Defendant hath or may have in any other Cases by Law.

Offenders to be prosecuted, and Penalties sued for by the Secretary of the Commissioners and the Clerk of any Visitors, and by no Person without the Authority of the Commissioners or Visitors.

CVI. And be it enacted, That it shall be lawful for the Secretary of the Commissioners, on their Order, to prosecute any Person for any Offence against the Provisions of this Act, and to sue for and recover any Penalty to which any Person is made liable by this Act; and all Penalties sued for and recovered by such Secretary shall be paid to him, and be by him applied and accounted for as herein-before directed with respect to Monies received for Licences granted by the Commissioners; and that it shall be lawful for the Clerk of any Visitors, on their Order, to prosecute any Person for any Offence against the Provisions of this Act committed within the Jurisdiction of such Visitors, and to sue for and recover any Penalty to which any Person within the Jurisdiction of such Visitors is made liable by this Act; and all Penalties sued for and recovered by any such Clerk shall be paid to him, and be by him paid to the Clerk of the Peace for such County or Borough, and be by such Clerk of the Peace applied and accounted for as herein-before directed with respect to Monies received for Licences by such Clerk of the Peace; and it shall not be lawful for any one to prosecute any Person for any Offence against the Provisions of this Act, or to sue for any Penalty to which any Person is made liable by this Act, except by Order of the Commissioners or of Visitors having Jurisdiction in the Place where the Cause of Prosecution has arisen or the Penalty been incurred, or with the Consent of Her Majesty's Attorney General or Solicitor General for *England* for the Time being.

Offenders against the Provisions of any of the repealed Acts may be prosecuted under this Act.

CVII. And be it enacted, That, notwithstanding the repeal of the several Acts herein-before repealed, every Offence heretofore committed against any of the Provisions of any of the same Acts may be prosecuted, and every Penalty heretofore incurred by any Person for any Offence against the Provisions of any of the same Acts may be sued for and recovered, by the Secretary of the Commissioners, in the same Manner and with all the same Powers and Rights as if such Offence had been committed or such Penalty incurred for an Offence against the Provisions of this Act; and every Penalty so recovered shall be applied in the same Manner as a Penalty recovered for an Offence against the Provisions of this Act.

No Person to be punishable for omitting to send any Copy, &c., if

CVIII. And be it enacted, That when any Person shall be proceeded against, under the Provisions of this Act, for omitting to transmit or send any Copy, List, Notice, Statement, or other Document herein-before required to be transmitted or sent by such Person, and such Person shall prove by the Testimony of One Witness upon

Oath that the Copy, List, Notice, Statement, or Document in respect of which such Proceeding is taken was put into the Post in due Time, or (in case of Documents required to be transmitted or sent to the Commissioners or a Clerk of the Peace) left at the Office of the Commissioners or of the Clerk of the Peace, and shall have been properly addressed, such Proof shall be a Bar to all further Proceeding in respect of such Omission.

Proved to have been put in the Post, or left at the proper Office.

CIX. And be it enacted, That the Costs, Charges, and Expences incurred by or under the Authority or Order of the Commissioners in Proceedings under this Act shall be paid by the Secretary of the Commissioners, and included by him in the Account of Receipts and Payments herein-before directed to be kept by him; and that the Costs, Charges, and Expences incurred by or under the Order of any Visitors in Proceedings under this Act shall be paid by the Clerk of the Peace of their County or Borough, and included by him in the Account of Receipts and Payments herein-before directed to be kept by him.

Costs incurred by the Commissioners to be paid by their Secretary, and Costs incurred by Visitors by the Clerk of the Peace.

CX. And be it enacted, That Two or more of the Commissioners, One at least of whom shall be a Physician or Surgeon, and One at least a Barrister, shall and may, once or oftener in each Year, on such Day or Days, and at such Hours of the Day, and for such Length of Time as they shall think fit, visit every Asylum for Lunatics, and every Gaol in which there shall be or alleged to be any Lunatic, and shall inquire whether the Provisions of the Law have been carried out as to the Construction of each Asylum visited, and as to its Visitation and Management, and also as to the Regularity of the Admissions and Discharges of Patients therein and therefrom; and whether Divine Service is performed therein; and whether any System of Coercion is in practice therein, and the Result thereof; and as to the Classification or Nonclassification of Patients therein, and the Number of Attendants on each Class; and as to the Occupations and Amusements of the Patients, and the Effects thereof; and as to the Condition, as well mental as bodily, of the Pauper Patients when first received; and also as to the Dietary of the Pauper Patients; and shall also make such other Inquiries as to every or any such Asylum, and all such Inquiries as to the Lunatics in any Gaol, as to such Visiting Commissioners shall seem meet.

Commissioners to visit Asylums and Gaols.

CXI. And be it enacted, That Two or more of the Commissioners, One at least of whom shall be a Physician or Surgeon, and One at least a Barrister, shall and may, once or oftener in each Year, on such Day or Days, and such Hours in the Day, and for such Length of Time as they shall think fit, visit every Parish and Union Workhouse in which there shall be or alleged to be any Lunatic, and shall inquire whether the Provisions of the Law as to Lunatics have been carried out as to the Arrangements, Visitation, and Management of such Workhouse, and as to the Dietary, Accommodation, and Treatment of the Lunatics in such Workhouse, and shall report in Writing thereon to the Poor Law Commissioners for *England* and *Wales*.

Commissioners to visit Workhouses.

CXII. And

Provision for the Visitation of Lunatics under the Care of Committees, and also of State and Criminal Lunatics, and other Lunatics not comprised in the preceding Provisions.

CXII. And be it enacted, That it shall be lawful for the Lord Chancellor, in the Case of any Lunatic under the Care of a Committee appointed by the Lord Chancellor, and for the Lord Chancellor, or Her Majesty's Principal Secretary of State for the Home Department, in the Case of any Lunatic under the Care of any Person receiving or taking the Charge of such One Lunatic only, and deriving no Profit from the Charge, and in the Case of any Person confined as a State Lunatic, or as a Lunatic under the Order of any Criminal Court of Justice, and in the Case of every other Person detained or taken Charge of as a Lunatic, or represented to be a Lunatic, or to be under any Restraint as a Lunatic, at any Time, by an Order in Writing under the Hand of the Lord Chancellor or the said Secretary of State, as the Case may be, directed to the Commissioners or any of them, or to any other Person, to require the Persons or Person to whom such Order shall be directed, or any of them, to visit and examine such Lunatic or supposed Lunatic, and to make a Report to the Lord Chancellor, or to Her Majesty's Principal Secretary of State for the Home Department, of such Matters as in such Order shall be directed to be inquired into.

Power for the Lord Chancellor and Secretary of State for the Home Department to authorize a special Visitation of any Place where a Lunatic is represented to be confined.

CXIII. And be it enacted, That it shall be lawful for the Lord Chancellor or Her Majesty's Principal Secretary of State for the Home Department to employ any Commissioner appointed under this Act, or other Person, to inspect or inquire into the State of any Asylum, Hospital, Gaol, House, or Place wherein any Lunatic, or Person represented to be lunatic, shall be confined or alleged to be confined, and to report to him the Result of such Inspection and Inquiry; and every such Person so employed, and not being a Commissioner, may be paid such Sum of Money for his Attendance and Trouble as to the Lord Chancellor or Her Majesty's Principal Secretary of State for the Home Department shall seem reasonable; and every such Person so employed, whether a Commissioner or not, shall be allowed his reasonable travelling or other Expences while so employed; and such Sum of Money for Attendance and Trouble, and such Expences, shall be charged on and shall be paid out of the Contingency Fund of the Home Office.

Interpretation Clause.

CXIV. And be it enacted, That in this Act and the Schedules thereto the Words and Expressions following shall have the several Meanings hereby assigned to them, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

"Borough" shall mean every Borough, Town, and City Corporate having a separate Quarter Sessions, Recorder, and Clerk of the Peace:

"County" shall mean every County, Riding, Division of a County, County of a City, County of a Town, Liberty, and other Place having a separate Commission of the Peace, and not being a "Borough" within the Meaning aforesaid:

"The Lord Chancellor" shall mean the Lord High Chancellor, the Lord Keeper or Commissioners of the Great Seal of *Great Britain*,

Britain, and other the Person or Persons for the Time being intrusted, by virtue of the Queen's Sign Manual, with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind:

"Barrister" shall mean a Barrister and a Serjeant at Law; and a Serjeant at Law who shall have been called to the Bar Five Years or more before his Appointment to be a Commissioner shall be considered as a Barrister of Five Years standing:

"Lunatic" shall mean every Insane Person, and every Person being an Idiot or Lunatic or of unsound Mind:

"Parish" shall mean any Parish, Township, Hamlet, Vill, Tithing, extra-parochial Place, or Place maintaining its own Poor:

"Officiating Clergyman of a [*or* the] Parish" shall mean a Clergyman regularly officiating and acting as the Minister or One of the Ministers of a Parish, Chapelry, or Ecclesiastical District:

"Borough Rate" shall mean a Borough Rate, and any Funds assessed upon or raised in or belonging to any Borough in the Nature of a Borough Rate, and applicable to the Purposes to which Borough Rates are applicable:

"County Rate" shall mean a County Rate, and any Funds assessed upon or raised in or belonging to any County in the Nature of a County Rate, and applicable to the Purposes to which County Rates are applicable:

"Pauper" shall mean every Person maintained wholly or in part at the Expence of any Parish, Union, County, or Borough:

"Patient" shall mean every Person received or detained as a Lunatic, or taken care or charge of as a Lunatic:

"Private Patient" shall mean every Patient who is not a Pauper:

"Proprietor" shall mean every Person to whom any Licence has been granted under the Provisions of any Act hereby repealed, or shall be granted under the Provisions of this Act, and every Person keeping, owning, having any Interest or exercising any Duties or Powers of a Proprietor in any licensed House:

"Clerk of the Peace" shall mean every Clerk of the Peace and Person acting as such, and every Deputy duly appointed:

"Medical Attendant" shall mean every Physician, Surgeon, and Apothecary who shall keep any licensed House, or shall in his Medical Capacity attend any licensed House, or any Asylum, Hospital, or other Place where any Lunatic shall be confined:

"Justice" shall mean a Justice of the Peace:

"Asylum" shall mean any Lunatic Asylum already erected and established under an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England, or erected and established, or hereafter to be erected and established, under or which have been made subject or liable to any of the Provisions of an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act* 48 G. 3. c. 96. 9 G. 4. c. 40.

to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics, in England, or hereafter to be erected and established under the Provisions of any Act for the Erection or Regulation of County or Borough Lunatic Asylums:

"Hospital" shall mean any Hospital or Part of an Hospital or other House or Institution (not being an Asylum) wherein Lunatics are received, and supported wholly or partly by voluntary Contributions, or by any Charitable Bequest or Gift, or by applying the Excess of Payments of some Patients for or towards the Support, Provision, or Benefit of other Patients:

"Licensed House" shall mean a House licensed under the Provisions of this Act, or of some Act hereby repealed, for the Reception of Lunatics:

"Oath" shall mean an Oath, and every Affirmation or other Declaration or Solemnity lawfully substituted for an "Oath" in the Case of Quakers or other Persons exempted by Law from the Necessity of taking an Oath:

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing the Masculine Gender shall include Females.

Boroughs and Counties to comprise all Places therein not having separate Commission of the Peace.

CXV. And be it enacted, That for the Purposes of this Act every Borough and County shall include every Place situate within the Limits of such Borough or County, and not having a separate Commission of the Peace; and for the Purposes of this Act every Place situate within the Limits of any Borough or County, and not having a separate Commission of the Peace, shall be within the Jurisdiction of the Justices of such Borough or County; and that the Justices of every Borough shall, for the Purposes of this Act, assemble in Special Sessions at such Times as the Quarter Sessions for such Borough shall be holden; and that all Acts herein-before required to be done by the Justices of Counties in General or Quarter Sessions assembled may be done by the Justices of Boroughs at such Special Sessions.

Act not to extend to Bethlehem Hospital.

CXVI. And be it enacted, That nothing in this Act contained shall extend to the Royal Hospital of *Bethlehem*, or any Building adjacent thereto and used therewith: Provided always, that it shall be lawful for any Commissioner or other Person whom the Lord Chancellor or any One of Her Majesty's Principal Secretaries of State shall at any Time, by an Order in Writing under the Hand of the said Lord Chancellor or Secretary of State, direct, to visit and examine the Royal Hospital of *Bethlehem*, and every or any Building adjacent thereto as aforesaid, and every or any Person confined therein.

Act to be confined to England and Wales.

CXVII. And be it enacted, That this Act shall extend only to *England* and *Wales*.

CXVIII. And

CXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Alteration of Act.

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SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.) Section 30.

FORM OF LICENCE.

KNOW ALL MEN, that We, the Commissioners in Lunacy, [*or* we the undersigned Justices of the Peace, acting in and for in General [*or* Quarter *or* Special] Sessions assembled,] do hereby certify, That *A.B.* of in the Parish of in the County of hath delivered to us [*or* the Clerk of the Peace,] a Plan and Description of a House and Premises proposed to be licensed for the Reception of Lunatics, situate at in the County of [*or, in the Case of a renewed Licence,* hath delivered to us [*or* the Clerk of the Peace] a List of the Number of Patients now detained in a House and Premises licensed on the Day of last, for the Reception of Lunatics, situate at in the County of], and we, having considered and approved the same, do hereby authorize and empower the said *A.B.*, (he intending [*or* not intending] to reside therein) to use and employ the said House and Premises for the Reception of Male [*or* Female, *or* Male and Female] Lunatics, of whom not more than shall be private Patients, for the Space of Calendar Months from this Date.

Sealed with our Common Seal [*or* given under our Hands and Seals], this Day of in the Year of our Lord 18 .

Witness,
Y.Z., Secretary to the Commissioners of Lunacy,
[*or* Clerk of the Peace.]

SCHEDULE (B.) Section 45.

ORDER FOR THE RECEPTION OF A PRIVATE PATIENT.

I, the undersigned, hereby request you to receive *A.B.* a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind], as a Patient into your House [*or* Hospital]. Subjoined is a Statement respecting the said *A.B.*

(Signed) *Name.*
Occupation (if any).
Place of Abode.
Degree of Relationship (if any), or other Circumstances of Connexion with the Patient.

Name of Patient, with Christian Name at Length.
Sex and Age.
Married, single, or widowed.
Condition of Life, and previous Occupation (if any).

Previous

Previous Place of Abode.
Religious Persuasion, so far as known.
Duration of existing Attack.
Whether First Attack.
Age (if known) on First Attack.
Whether subject to Epilepsy.
Whether suicidal or dangerous to others.
Previous Place of Confinement (if any).
Whether found lunatic by Inquisition, and Date of Commission.
Special Circumstances (if any) preventing the Patient being examined, before Admission, separately, by Two Medical Practitioners.
Special Circumstances (if any) preventing the Insertion of any of above Particulars.

(Signed) *Name.*

Dated this Day of One thousand eight hundred and

To Proprietor [*or* Superintendent] of [*describing the House or Hospital by Situation and Name, if any*].

SCHEDULE (C.) Section 45.

FORM of MEDICAL CERTIFICATE in the Case of PRIVATE PATIENTS.

I being a Physician *or* Surgeon, *or* an Apothecary, duly authorized to practise as such, hereby certify, that I have this Day, separately from any other medical Practitioner, visited and personally examined *A.B.*, the Person named in the accompanying Statement and Order, and that the said *A.B.* is a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind], and a proper Person to be confined, and that I have formed this Opinion from the following Fact or Facts; viz.

(Signed) *Name.*
Place of Abode.

Dated this Day of One thousand eight hundred and

SCHEDULE (D.) Section 48.

ORDER for the RECEPTION of a PAUPER PATIENT.

WE, the undersigned, having called to our Assistance a Physician [*or* Surgeon, *or* Apothecary, *as the Case may be*], not being the Medical Officer of the Parish or Union to which the said *A.B.* belongs, and having personally examined *A.B.*, a Pauper, and being satisfied that the said *A.B.* is a Lunatic [*or* an insane

Person, *or* an Idiot, *or* a Person of unsound Mind], and a proper Person to be confined, hereby request you to receive the said *A.B.* as a Patient into your House or Hospital.

Subjoined is a Statement respecting the said *A.B.*

(Signed) *Name.*
A Justice of the Peace for the City or Borough of [*or* an *or* the Officiating Clergyman of the Parish of].
Name.
With the Relieving Officer of the Union or Parish of [*or* with an Overseer of the Parish of].

STATEMENT.

Name of Patient, and Christian Name at Length.
Sex and Age.
Married, single, or widowed.
Condition of Life, and previous Occupation (if any).
Previous Place of Abode.
Religious Persuasion, so far as known.
Length of Time insane.
Whether First Attack.
Age (if known) on First Attack.
Whether subject to Epilepsy.
Whether suicidal or dangerous to others.
Previous Places of Confinement (if any).

I certify that to the best of my Knowledge the above Particulars are correctly stated.

(Signed)

[*To be signed by the Relieving Officer or Overseer signing the Order.*]

Dated this Day of One thousand eight hundred

To Proprietor [*or* Superintendent] of [*describing the House or Hospital by Situation and Name, if any*].

MEDICAL CERTIFICATE.

I, being a Physician, *or* Surgeon, *or* an Apothecary, duly authorized to practise as such, hereby certify, That I have this Day personally examined *A. B.*, the Person named in the Statement and Order, and that the said *A. B.* is a Lunatic [*or*, an insane Person, *or* an Idiot, *or* a Person of an unsound Mind], and a proper Person to be confined.

(Signed) *Name.*
Place of Abode.

Dated this Day of One thousand eight hundred and .

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SCHEDULE (*E.*) *Section 50.*

REGISTRY OF ADMISSIONS.

REGISTER OF PATIENTS.

Date of last previous Admission (if any).	No. in Order of Admission.	Date of Admission.	Christian and Surname at Length.	Sex and Class.				Age.	Condition as to Marriage.			Condition of Life, and previous Occupation.	Previous Place of Abode.	County, Union, or Parish to which chargeable.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Bodily Condition.	Name of Disorder (if any).	Form of Mental Disorder.	Supposed Cause of Insanity.	Epileptics.	Congenital Idiots.	Duration of existing Attacks.				Number of previous Attacks.	Age on First Attack.	Date of Discharge or Death.	Discharged.			Died.	Observations.
				Private.		Pauper.			Married.	Single.	Widowed.													Years.	Months.	Weeks.				Recovered.	Relieved.	Not improved.		
				M.	F.	M.	F.																										
	1	1846: Jan. 3	William Johnson	-	-	1	-	23	-	1	-	Carpenter	-	-	-	-	-	-	Melancholia	-	-	-	-	4	-	-	2	17	1846: Sept. 1	1			
	2																										3	-					
	3																																
	4	1848: June 9	William Johnson	-	-	1	-	25	-	1	-	-	-	-	-	-	-	-	-	-	-	-	7	-	-	3	-	1848: Dec. 2	1			
	5																																
	6																																
	7	1852: May 6	William Johnson	-	-	1	-	29	1	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	4	-	1853: June 8					
	8																																

SCHE-

SCHEDULE (F.) Section 52.

NOTICE of ADMISSION.

I HEREBY give you Notice, That *A.B.* was received into this House [*or* Hospital] as a Private [*or* Pauper] Patient on the Day of and I hereby transmit a Copy of the Order and Medical Certificates [*or* Certificate] on which he was received.

Subjoined is a Statement with respect to the mental and bodily Condition of the above-named Patient.

(Signed)

Superintendent
[*or* Proprietor] of

Dated this Day of One thousand eight hundred and

STATEMENT.

I HAVE this day seen and personally examined the Patient named in the above Notice, and hereby certify that with respect to mental State he [*or* she] and that with respect to bodily Health and Condition he [*or* she]

(Signed)

Medical Proprietor [*or* Superintendent, *or* Attendant].

Dated this Day of One thousand eight hundred and

SCHEDULE (G. 1.) Section 54.

REGISTER of DISCHARGES AND DEATHS.

Date of Discharge or Death.	Date of last Admission.	No. in Register of Patients.	Christian and Surname at Length.	Sex and Class.				Discharged.						Died.		Assigned Cause of Death.	Age at Death.		Observations.
				Private.		Pauper.		Recovered.		Relieved.		Not improved.							
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.	
1846: Sept. 1	1846: Jan. 3	1	William Johnson	-	-	1	-	1											
1848: Dec. 2	1848: June 9	4	William Johnson	-	-	1	-	1											
1853: June 8	1852: May 6	7	William Johnson	-	-	1	-	-	-	-	-	-	-	1	-	Phthisis	27		

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SCHEDULE (G. 2.) Section 54.

FORM of NOTICE of DISCHARGE or DEATH.

I HEREBY give you Notice, That a Private [*or* Pauper] Patient, received into this House [*or* Hospital] on the Day of was discharged therefrom recovered [*or* relieved, *or* not improved,] by the Authority of [*or* died therein, on the Day of].

(Signed)
Superintendent [*or* Proprietor] of House [*or* Hospital] at .

Dated this Day of One thousand eight hundred and .

In case of Death, add "and I further certify, that *A.B.* was present at the Death of the said ; and that the apparent Cause of Death of the said [ascertained by post mortem Examination (*if so*)] was ."

SCHEDULE (H.) Section 59.

FORM of MEDICAL JOURNAL and WEEKLY REPORT.

Date.	Number of Patients.				Names of Patients under Restraint (and by what Means) or in Seclusion.		Names of Patients under Medical Treatment.		Report on State of Health of Patients and Condition of House or Hospital.	Deaths, Injuries, and Violences to Patients.
	Private.		Pauper.							
	M.	F.	M.	F.	Males.	Females.	Males.	Females.		

SCHEDULE (I.) Section 100.

FORM OF SUMMONS.

WE, the Commissioners in Lunacy [*or* we whose Names are hereunto set and Seals affixed, being Two of the Commissioners in Lunacy, *or* Visitors] appointed under or by virtue of an Act passed in the Year of the Reign of Her present Majesty, intituled [*here insert the Title of the Act*], do hereby summon and require you personally to appear before us at in the Parish of in the County of on next the Day of at the Hour of in the noon of the same Day, and then and there to be examined, and to testify the Truth touching certain Matters relating to the Execution of the said Act.

Sealed with the Common Seal of "The Commissioners in Lunacy" [*or* given under our Hands and Seals], this Day of in the Year of our Lord One thousand eight hundred and .

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CI.

An Act to continue until the Fifth Day of *July* One thousand eight hundred and sixty-two the Acts for regulating the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties; and to alter and amend the said Acts. [4th *August* 1845.]

WHEREAS an Act was passed in the First and Second Years of the Reign of King *William* the Fourth, intituled *An Act for regulating the Vend and Delivery of Coals in the Cities of* London *and* Westminster, *and in certain Parts of the Counties of* Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire, *and* Berkshire, whereby the Provisions of the said Act were directed to be in force for Seven Years from and after the Thirty-first Day of *December* next after the passing thereof: And whereas an Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to continue for Seven Years an Act for regulating the Vend and Delivery of Coals in* London *and* Westminster, 1 & 2 W. 4. c. lxxvi. 1 & 2 Vict. c. ci.

Westminster, *and in certain Parts of the adjacent Counties:* And whereas the last-mentioned Term of Seven Years, during which the Provisions contained in the said Acts were directed to continue in force, will expire on the Thirty-first Day of *December* One thousand eight hundred and forty-five, and it is expedient that the same should be continued, and that in the respects herein-after mentioned the said Acts should be altered and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Acts continued, except as altered.

That the said Acts of the First and Second Years of the Reign of King *William* the Fourth, and the First and Second Years of the Reign of Her present Majesty, and all the Powers, Authorities, Directions, Provisions, Penalties, Forfeitures, Regulations, Clauses, Matters, and Things therein contained, (except such of them, or such Parts thereof respectively, as are repealed, altered, or otherwise provided for,) shall be and the same are hereby continued until the Fifth Day of *July* One thousand eight hundred and sixty-two; and all the Provisions, Regulations, Clauses, Matters, and Things in the said first-mentioned Act contained, to take effect at the End of the Term of Seven Years therein mentioned, or at any other Time or Times, shall take effect in the same Manner to all Intents and Purposes as if the Fifth Day of *July* One thousand eight hundred and sixty-two had been inserted in the said Act of the First and Second Years of the Reign of King *William* the Fourth, instead of the said Term of Seven Years.

Duties extended to Coals brought by Railway.

II. And be it enacted, That all and singular the Duties by the said Acts authorized to be levied upon Coals, Culm, and Cinders contained in any Ship or Vessel arriving at her Moorings within any Part of the Port of *London* at or to the Westward of *Gravesend*, or brought near *London* by the Grand Junction or *Paddington* Canals, or by the River *Thames*, and by other Acts now in force authorized to be levied upon Coals, Culm, and Cinders brought near *London* by certain Railways in the same Acts particularly mentioned, shall be extended, and the same are hereby imposed and authorized to be levied, until the said Fifth Day of *July* One thousand eight hundred and sixty-two, upon all Coals, Culm, and Cinders brought to any Place within the Port of *London*, or within the Cities of *London* and *Westminster* and the Borough of *Southwark*, or to any Place within the Distance of Twenty Miles from the General Post Office in the City of *London*, by any Railway already constructed or hereafter to be constructed, or by Inland Navigation, or by any other Mode of Conveyance; and the same Duties shall be payable to such Person or Persons, at such Place or Places, in such Manner, and under such Regulations, as the Lord Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled,

shall from Time to Time direct or appoint, with the same Powers and Authorities for giving Receipts for and enforcing or recovering Payment of the same as are given by the said recited Acts in respect of the like Duty on Coals, Culm, and Cinders by the same Acts authorized to be levied; and all and singular the Duties hereby extended and imposed as aforesaid shall be applied to the same Purposes to which the like Duties authorized to be levied by the said recited Acts shall from Time to Time by Law be applicable: Provided always, that nothing herein contained shall extend to prevent any Railway Company, their Workmen and Agents, or other Persons using their Railways, from bringing by such Railways to any Points of the said Railways nearer to *London* than the aforesaid Distance all such Quantities of Coal and Coke from Time to Time as shall be required to be used, and shall be *bonâ fide* used, for the Purposes of the Engines of the said Company, not exceeding Five hundred Tons in any One Year, without any Duty being payable in respect of such Coals or Coke: Provided always, nevertheless, that if any Coals or Coke brought nearer to *London* than the aforesaid Distance, without the Duty being paid in respect thereof according to the Provisions herein-before contained, shall be used otherwise than for the Purposes of the Engines of the said Company, or more than Five hundred Tons of such Coals or Coke shall be so brought in any One Year without the Duty being paid in respect thereof as aforesaid, every such Company shall in either of such Cases, for every Ton of such Coals or Coke so brought and otherwise used, or for every Ton of such Coals or Coke exceeding Five hundred Tons in any One Year (as the Case may be), forfeit and pay to the said Mayor and Commonalty and Citizens the Sum of One hundred Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record at *Westminster*.

Application of Duty of One Penny per Ton on Coals, &c. after 31st December 1845.

III. And in order to provide a Fund for the opening of poor and densely populated Districts in the Metropolis, or for keeping open Spaces in the immediate Vicinity of the same, as a Means of promoting the public Convenience, Recreation, and Health, be it enacted, That the Duty of One Penny *per* Ton on Coals, Cinders, or Culm contained in any Ship or Vessel laden with Coals, Cinders, or Culm arriving at her Moorings within any Part of the Port of *London* at or to the Westward of *Gravesend*, and also the like Duty of One Penny *per* Ton on Coals, Culm, and Cinders brought near *London* by the Grand Junction or *Paddington* Canals, or by the River *Thames*, created and imposed by the said Act of the First and Second Years of the Reign of King *William* the Fourth, and by this and other Acts extended to Coals, Culm, and Cinders brought near *London* by Railway, Inland Navigation, or other Mode of Conveyance, shall from and after the Thirty-first Day of *December* One thousand eight hundred and forty-five be applied to the Creation of a Fund for the Execution of such Improvements

Improvements in the Metropolis as Parliament may hereafter direct or sanction; and the Public Stocks or Funds in which the Residue or Overplus of the Produce of the said Duty of One Penny *per* Ton on Coals, Cinders, or Culm has been from Time to Time invested in the Names of the Chamberlain, Town Clerk, and Comptroller of the Chamber of the said City, in pursuance of the said Act of the First and Second Years of the Reign of King *William* the Fourth, and the Dividends and Interest thereof, and also the Rents and Profits to be derived from the Coal Market, shall from Time to Time be applied to the same Purposes as the said Duty of One Penny *per* Ton on Coals, Cinders, or Culm is now applicable by virtue of the said Act.

Duty to be laid out and form an accumulating Fund for Improvements till appropriated by Parliament.

IV. And be it enacted, That from and after the said Thirty-first Day of *December* One thousand eight hundred and forty-five the said Duty of One Penny *per* Ton on Coals, Cinders, and Culm, so created, imposed, and extended as aforesaid, shall from Time to Time, when and as received, be laid out and invested in the Purchase of Stock in some of the Public Stocks or Funds, or upon Government or Real Securities, at Interest, in the Names of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to an Account to be intituled "The Metropolis Improvement Fund Account;" and the said Commissioners shall from Time to Time lay out or invest the yearly Dividends or Interest of the Stocks, Funds, and Securities so to be purchased in their Names on the Account aforesaid, in like Manner, for the Purpose of Accumulation in the meantime, and until the said Fund shall be required for and appropriated by Parliament to the Execution of Improvements in the Metropolis.

The Corporation and Board of Trade may agree upon a Sum to be paid to the Corporation for Redemption of Annuities.

V. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, and the Committee of Her Majesty's Privy Council for managing the Affairs of Trade, to agree upon a Sum of Money to be paid to the said Mayor, Aldermen, and Commons, in Common Council assembled, for the Redemption of the Sums of Money, Annuities, and other Compensation to which the principal and labouring Land Coal Meters, and the Clerks, Officers, and other Persons who were employed in the Land Metage of Coals, and also the Clerks of the Coal Market, are now entitled, in respect of the Abolition of their respective Offices, under and by virtue of the said Act of the First and Second Years of the Reign of King *William* the Fourth; and thereupon the Chamberlain shall receive, out of the said Stocks or Funds in which the said Residue or Overplus of the said Duty of One Penny *per* Ton on Coals, Cinders, or Culm has been invested as aforesaid, the Sum of Money so to be certified as aforesaid, to the Use of the Mayor and Commonalty and Citizens of the City of *London;* and when such Money shall have been paid to the said Chamberlain as aforesaid, the said

said Mayor and Commonalty and Citizens shall be and are hereby made liable to the Payment of the said Sums of Money, Annuities, and other Compensation as aforesaid, and the Charge thereof upon the said Stocks or Funds shall cease and determine.

Power to make Bye Laws.

VI. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, with the Approbation and in the Manner mentioned in the said Act of the First and Second Years of the Reign of Her present Majesty, to make from Time to Time such Bye Laws as shall appear to them to be necessary for regulating and removing Vessels laden or partly laden with Coals, and from Time to Time to amend, alter, vary, or repeal such Bye Laws, and to make others.

Authentication of Bye Laws. 10 G. 4. c. cxxiv.

VII. And be it enacted, That a printed or written Copy of the Bye Laws made in pursuance of this Act, or of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for altering and amending the Powers of an Act of the Thirty-ninth Year of the Reign of King* George *the Third, for rendering more commodious and for better regulating the Port of* London, or of the said Act of the First and Second Years of the Reign of King *William* the Fourth, or of the said Act of the First and Second Years of the Reign of Her present Majesty, signed by the Town Clerk of the City of *London*, shall, without any other Proof, be admitted as Evidence of such Bye Laws, and of the making, Submission, Allowance, and Publication thereof, unless the contrary shall be proved.

Justices may proceed by Summons in the Recovery of Penalties.

VIII. And be it enacted, That in all Cases in which by the said Acts or either of them, or this Act, or any Bye Laws made or to be made in pursuance thereof, any Penalty or Forfeiture is made recoverable before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against the said Acts or either of them, or this Act, or such Bye Laws as aforesaid, to summon the Party complained against before any Justice, who on such Summons shall hear and determine the Matter of such Complaint, and on Proof of the Offence convict the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before any Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Expences of Act.

IX. And be it enacted, That the Costs, Charges, and Expences incident to and incurred in obtaining and passing this Act shall be

paid and discharged by and out of the Produce of the said Duty of One Penny *per* Ton.

Public Act. X. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CII.

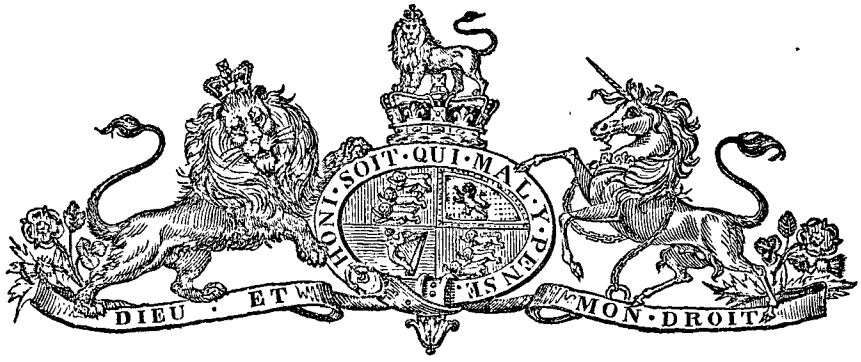
An Act to continue until the First Day of *January* One thousand eight hundred and fifty-one an Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury. [4th *August* 1845.]

WHEREAS an Act was passed in the Third Year of the Reign of Her Majesty, intituled *An Act to amend, and extend until the First Day of* January *One thousand eight hundred and forty-two, the Provisions of an Act of the First Year of Her present Majesty, for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury*, which by sundry Acts has been since continued until the First Day of *January* in the Year One thousand eight hundred and forty-six, and it is expedient that the same should be continued for a longer Period: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be continued until the First Day of *January* in the Year One thousand eight hundred and fifty-one. 2 & 3 Vict. c. 37. Continuance of Act.

Alteration of Act.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queeen's most Excellent Majesty. 1845.



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CIII.

An Act to continue until the Thirty-first Day of *August* One thousand eight hundred and forty-eight, and to the End of the next Session of Parliament, and to amend, an Act of the Fifth and Sixth Years of Her present Majesty, for permitting Wheat to be delivered from the Warehouse or the Vessel Duty-free, upon the previous Substitution of an equivalent Quantity of Flour or Biscuit in the Warehouse.

[4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to permit, until the Thirty-first Day of* August *One thousand eight hundred and forty-five, Wheat to be delivered from the Warehouse or the Vessel Duty-free, upon the previous Substitution of an equivalent Quantity of Flour or Biscuit in the Warehouse:* And whereas it is expedient that the said Act should be further continued for the Term herein-after specified; but it is necessary that the same should be amended in certain respects: Be it therefore enacted by the Queen's most Excellent 5 & 6 Vict. c. 92.

Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, except so far as the same or any Part thereof is hereby altered or repealed, shall continue in force until the Thirty-first Day of *August* One thousand eight hundred and forty-eight, and from thence until the End of the next Session of Parliament.

Recited Act (except as altered or repealed by this Act) continued for Three Years.

II. And whereas it is enacted by the said Act that Persons having deposited in any Warehouse in the Manner required by the said Act any Quantity of fine Wheat Flour or Biscuit, or being Holders of certain Certificates in the said Act mentioned, shall be entitled to enter Duty-free from any Vessel certain Quantities of Wheat: And whereas Doubts have arisen as to the Period within which such Entry ought to be made; and it is expedient that such Doubts should be removed, and that the same Period should be allowed for entering Wheat Duty-free from any Vessel as is now allowed for entering Wheat from the Warehouse; be it therefore enacted, That any Person, being entitled under the Provisions of the said Act to enter any Wheat Duty-free from any Vessel, may enter such Wheat Duty-free from such Vessel at any Time or Times, and at such Time or Times only, at which it would be lawful under the Provisions of the said Act for such Person to enter such Wheat if the same were in any Warehouse.

Same Period allowed for entering Wheat from a Vessel as from the Warehouse.

III. And be it enacted, That the Commissioners of Her Majesty's Customs shall forthwith provide Samples of the several Kinds of Biscuit in the said Act mentioned, and such Samples shall be deemed Standard Samples, for the Purpose of comparing therewith any Biscuit tendered to be deposited as being Captains Biscuit, or Biscuit of the Standard supplied to Her Majesty Navy, or common Ship's Biscuit; and the said Commissioners shall from Time to Time renew such Standard Samples as they may deem it expedient.

Commissioners of Customs to provide Standard Samples of Biscuit.

IV. And be it enacted, That so much of the said Act as relates to the Forfeiture in certain Cases of Parcels or Packages tendered to be deposited under the Provisions thereof, and to the Imposition of Penalties upon Persons tendering the same for the Purpose of being deposited, shall be repealed.

Repeal of certain Penalties imposed by the said Act.

V. And be it enacted, That if any Parcel or Package, being or containing any other Article than Flour, or any other Flour than fine Wheat Flour in sound Condition, is tendered to be deposited under the Provisions of the said Act as being or containing Flour, or if any Parcel or Package being or containing any other Article than Biscuit is tendered to be deposited under the Provisions of the said Act as being or containing Biscuit, or if any Parcel or Package being or containing Biscuit of an inferior Quality to the Standard Sample of any One of the several Kinds of Biscuits in the said Act mentioned, or being or containing Biscuit not in sound Condition, is tendered to be deposited under the Provisions of the said Act as being or containing Biscuit of that Kind, such Parcel or Package and the Contents thereof shall be forfeited; and any Person so tendering any

Penalties for depositing Articles of inferior Quality.

such Parcel or Package to be deposited as aforesaid shall forfeit and pay the Sum of Five Pounds for every Hundred Pounds Weight of the Wheat for which such Parcel or Package was tendered to be substituted; and such Forfeitures and Penalties, and any other Forfeitures imposed by the said Act, shall be recovered and dealt with in all respects as Forfeitures and Penalties under any Law relating to the Customs are recovered and dealt with.

Flour not to be taken out of Bond for Four Weeks.

VI. And be it enacted, That no Flour deposited in the Warehouse under the Provisions of the said Act shall be entered from the Warehouse for Home Consumption until Four Weeks after the Day on which it was deposited.

Alteration of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CIV.

An Act to empower the Commissioners of Her Majesty's Woods to appropriate to building Purposes the Area of *Darby Court*, in the Parish of *Saint James Westminster*.

[4th *August* 1845.]

WHEREAS the Queen's most Excellent Majesty, in right of Her Crown, is seised to Her Majesty, Her Heirs and Successors, of a Plot of Ground, with the Messuages or Tenements standing thereon, situate in the Parish of *Saint James Westminster* in the County of *Middlesex*, abutting Northward on *Piccadilly*, and Southward on *Jermyn Street*, and including the open Area of a Court or Passage leading from *Jermyn Street* to *Piccadilly* aforesaid, subject nevertheless, as to the last-mentioned Area, to the Power and Superintendence of the paving, repairing, cleansing, and lighting the same, vested in the Commissioners for paving and improving the Parish of *Saint James Westminster*, and subject, as respects Two Messuages or Tenements, numbered respectively 6 and 7 in *Darby Court* aforesaid, to a certain Indenture of Lease whereby the said Two Messuages or Tenements were, together with other Property of the Crown, demised to *Samuel Rickards*, his Executors, Administrators, and Assigns, for a Term

 which

which will expire on the Tenth Day of *October* One thousand eight hundred and eighty-four: And whereas all the Houses and Buildings now standing in or abutting upon *Darby Court* aforesaid (with the Exception of Numbers 6 and 7 aforesaid) are about to be pulled down with the view of a substantial public Building being erected on the Site thereof, and also on the Site of the said Court, or of some Part thereof respectively: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Ground and open Area of the said Court called *Darby Court* shall be and the same is hereby vested in the Queen's most Excellent Majesty, Her Heirs and Successors, freed and discharged from all Rights of Way and other Rights and Easements whatsoever, into, through, or over the same, and freed and discharged of and from the Power and Superintendence of the paving, repairing, cleansing, lighting, watering, and improving the said Court, and preventing Nuisances and Obstructions therein, now vested in the Commissioners for paving and improving the Parish of *Saint James Westminster*, all which said Rights of Way, and other Rights and Easements, Power and Superintendence, shall be and the same are hereby extinguished; and it shall and may be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to take and use or demise the said Ground and Premises so freed and discharged as aforesaid for building or other Purposes, and either together with the adjoining Ground and Premises, the Property of Her Majesty, and as Part or Parcel thereof, or separately therefrom, in as full and ample Manner as they are by Law authorized and empowered to take, use, or demise any Part or Parts of the Possessions and Land Revenues of the Crown under their Care and Management.

The Area of Darby Court vested in Her Majesty, discharged of Rights of Way.

II. Provided always, and be it enacted, That nothing herein contained shall extend to prejudice or affect the Term, Estate, and Interest of the said *Samuel Rickards*, his Executors, Administrators, Under-tenants, or Assigns, under the herein-before mentioned Indenture of Lease; and such Term, Estate, and Interest shall remain whole and unimpaired as if this Act had not been passed.

Saving the Rights of the Lessee.

III. And be it enacted, That the Exclusion herein-before contained of the Area of the said Court from the Jurisdiction of the said Commissioners for paving and improving the Parish of *Saint James Westminster*, as to paving, cleansing, and lighting the same, shall not extend to exclude the same from the Jurisdiction of the said Commissioners as to rating, but the Jurisdiction of the said Commissioners as to rating all and every the Persons and Person who shall inhabit, use, or occupy all or any of the Houses or Buildings to be erected on the said Area, Ground, and Premises,

Saving the Jurisdiction of the Paving Commissioners as to rating.

Premises, shall remain whole and unimpaired as if this Act had not been passed.

IV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CV.

An Act for amending certain Acts of the Fourth and Fifth Years of the Reign of Her Majesty, for facilitating the Administration of Justice in the Court of Chancery; and for providing for the Discharge of the Duties of the Subpœna Office after the Death, Resignation, or Removal of the present Patentee of that Office.

[4th *August* 1845]

WHEREAS an Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for facilitating the Administration of Justice in the Court of Chancery*, whereby Power was given to the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and the Vice Chancellor, or One of them, to make, from Time to Time, and at any Time within Five Years from the passing of the said Act, any Rules, Orders, and Regulations for the Purposes in the said Act mentioned; and it was thereby enacted, that all such Rules, Orders, and Regulations should be laid before both Houses of Parliament, if Parliament should be then sitting, immediately upon the making or issuing of the same, or if Parliament should not then be sitting, then within Five Days after the next Meeting thereof: And whereas another Act was passed in the Fifth Year of the Reign of Her present Majesty, whereby it was enacted, that every such

3 & 4 Vict. c. 94.

4 & 5 Vict. c. 52.

Rule,

Rule, Order, or Regulation made in pursuance of the said recited Act should, from and after the Time in that Behalf to be appointed by the Lord Chancellor, with such Advice and Consent as aforesaid, and if no Time should be so appointed, then from and after the making thereof, be binding and obligatory on the said Court, and be of like Force and Effect as if the Provisions therein contained had been expressly enacted by Parliament; and it was thereby provided, that if either of the Houses of Parliament should, by any Resolution passed at any Time before such House of Parliament should have actually sat Thirty-six Days after such Rules, Orders, and Regulations should have been laid before such House of Parliament, resolve that the whole or any Part of such Rules, Orders, or Regulations ought not to continue in force, in such Case the whole, or such Part thereof as should be so included in such Resolution, should from and after such Resolution cease to be binding and obligatory on the said Court; and it was thereby also provided, that no such Rule, Order, or Regulation as aforesaid should by virtue of the said Act be of the like Force and Effect as if the Provisions therein contained had been expressly made by Parliament, unless the same should be expressed to be made in pursuance of the said Act and of the now-reciting Act; and that every such Rule, Order, or Regulation so expressed to be made in pursuance of the said Act and of the now-reciting Act, which should not be laid before both Houses of Parliament within the Time by the said recited Act limited for that Purpose, should from and after the Expiration of such Time be absolutely void and of no Effect: And whereas an Act was passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to make further Provision for the Administration of Justice*, under the Authority of which Two additional Vice Chancellors have been appointed; and it was thereby enacted, that from and after the Appointment of the Vice Chancellors, under the said now-reciting Act, it should be lawful for the Lord Chancellor, with the Advice or Consent of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, and he was thereby authorized and empowered, to do all such Acts, and to make and issue all such Rules and Orders, as by any Act or Acts of Parliament then in force the Lord Chancellor, with the Advice or Consent of the Master of the Rolls and the Vice Chancellor for the Time being, or One of them, was empowered to do, make, or issue: And whereas Rules, Orders, or Regulations have from Time to Time been made in pursuance of the said Two first-recited Acts, but it is expedient to extend the Time limited by the said first-recited Act for the making thereof in manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Term of Five Years, which under and by virtue of the said first-recited Act now stands limited as the Time within which any Rules, Orders, or Regulations thereby or by the said Two other Acts authorized and required to be made must be so made, shall be and the same is hereby extended to Ten Years from the passing of the said first-recited Act, as if such Term of Ten Years had been originally contained in that Act.

5 Vict. c. 5.

The Term of Five Years, within which certain Rules, Orders, and Regulations were directed by the first-recited Act to be made, extended to Ten Years.

II. And

All Rules, &c. so made to be deemed General Rules, &c.

II. And be it enacted, That all Rules, Orders, and Regulations made and to be hereafter made under the Provisions of the said recited Acts and this Act, or any of them, shall for all Purposes be deemed and taken to be general Rules and Orders of the High Court of Chancery.

3 & 4 W. 4. c. 94.

III. And whereas by another Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery in* England, it was enacted, that from and after the Death, Resignation, or Removal from his Office of the present Patentee of the Subpœna Office all the Duties of such Office should be performed by the Clerk of the Affidavits, who should thereupon receive and account for, in manner therein-after mentioned, all the Fees then receivable by the said Patentee: And whereas since the passing of the last-mentioned Act Four Clerks of Records and Writs have been appointed, by whom the Business of issuing Writs on the Equity Side of the Court of Chancery, other than such Writs as are issuable by the Patentee of the Subpœna Office, is now discharged: And whereas it is expedient that the Duties of the Patentee of the Subpœna Office should be performed and the Fees payable to him should be received by the said Clerks of Records and Writs; be it therefore enacted, That so much of the said Act of the Fourth Year of the Reign of His said late Majesty as provides for the Execution of the Duties and the Receipt of the Fees of the Subpœna Office by the Clerk of the Affidavits shall be and the same is hereby repealed; and that after the Death, Resignation, or Removal from his Office of the present Patentee of the Subpœna Office the said Clerks of Records and Writs, or any one of them, shall, in place and instead of the said Clerk of the Affidavits, perform all the Duties of the Subpœna Office, and shall receive all the Fees now receivable by the said Patentee of that Office, and shall pay such Parts thereof as the said Patentee is now by the said last-mentioned Act required to pay to the several Officers named in that Act for that Purpose, and shall pay the Residue of such Fees into the Bank of *England*, to be placed to the Account there standing in the Name of the Accountant General of the High Court of Chancery, intituled "The Suitors Fee Fund Account," at such Times and under such Regulations as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, shall by any Order direct: Provided always, that it shall be lawful for the Lord Chancellor, with such Advice and Consent as last aforesaid, by any Rule or Order to be made under the Provisions of the said Two first-recited Acts, to fix such earlier Time for transferring the Execution of the Duties of the Subpœna Office to the Clerks of Records and Writs as he shall think fit.

Recited Act in part repealed; and after the Removal of the Patentee of the Subpœna Office Duties of that Office to be discharged and Fees received by Clerks of Records and Writs.

Application of the Fees.

Lord Chancellor may fix an earlier Time for transferring the Duties.

Alteration of Act.

IV. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

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and the Residue as from 1st Oct. 1845.

Commencement and taking effect thereof; and that the Residue of the said Act shall be and is hereby repealed, as from the First Day of *October* One thousand eight hundred and forty-five.

The immediate Freehold of corporeal Tenements to lie in Grant as well as in Livery. Stamp Duty on Grants thereof.

II. That, after the said First Day of *October* One thousand eight hundred and forty-five, all corporeal Tenements and Hereditaments shall, as regards the Conveyance of the immediate Freehold thereof, be deemed to lie in Grant as well as in Livery; and that every Deed which, by force only of this Enactment, shall be effectual as a Grant, shall be chargeable with the Stamp Duty with which the same Deed would have been chargeable in case the same had been a Release, founded on a Lease or Bargain and Sale for a Year, and also with the same Stamp Duty (exclusive of progressive Duty) with which such Lease or Bargain and Sale for a Year would have been chargeable.

Feoffments, Partitions, Exchanges, Leases, Assignments, and Surrenders required (subject to certain Exceptions) to be by Deed.

III. That a Feoffment, made after the said First Day of *October* One thousand eight hundred and forty-five, other than a Feoffment made under a Custom by an Infant, shall be void at Law, unless evidenced by Deed; and that a Partition, and an Exchange, of any Tenements or Hereditaments, not being Copyhold, and a Lease, required by Law to be in Writing, of any Tenements or Hereditaments, and an Assignment of a Chattel Interest, not being Copyhold, in any Tenements or Hereditaments, and a Surrender in Writing of an Interest in any Tenements or Hereditaments, not being a Copyhold Interest, and not being an Interest which might by Law have been created without Writing, made after the said First Day of *October* One thousand eight hundred and forty-five, shall also be void at Law, unless made by Deed: Provided always, that the said Enactment so far as the same relates to a Release or a Surrender shall not extend to *Ireland*.

Feoffments not to operate by Wrong, nor Exchanges or Partitions to imply any Condition, or give and grant any Covenant.

IV. That a Feoffment, made after the said First Day of *October* One thousand eight hundred and forty-five, shall not have any tortious Operation; and that an Exchange, or a Partition, of any Tenements or Hereditaments, made by Deed, executed after the said First Day of *October* One thousand eight hundred and forty-five, shall not imply any Condition in Law; and that the Word "give" or the Word "grant," in a Deed, executed after the same Day, shall not imply any Covenant in Law, in respect of any Tenements or Hereditaments, except so far as the Word "give" or the Word "grant" may, by force of any Act of Parliament, imply a Covenant.

Strangers may take immediately under an Indenture, and a Deed purporting to be an Indenture shall take effect as such.

V. That, under an Indenture, executed after the First Day of *October* One thousand eight hundred and forty-five, an immediate Estate or Interest, in any Tenements or Hereditaments, and the Benefit of a Condition or Covenant, respecting any Tenements or Hereditaments, may be taken, although the Taker thereof be not named a Party to the same Indenture; also, that a Deed, executed after the said First Day of *October* One thousand eight hundred and forty-five, purporting to be an Indenture, shall have the Effect of an Indenture although not actually indented.

VI. That

VI. That, after the First Day of *October* One thousand eight hundred and forty-five, a contingent, an executory, and a future Interest, and a Possibility coupled with an Interest, in any Tenements or Hereditaments of any Tenure, whether the Object of the Gift or Limitation of such Interest or Possibility be or be not ascertained, also a Right of Entry, whether immediate or future, and whether vested or contingent, into or upon any Tenements or Hereditaments in *England*, of any Tenure, may be disposed of by Deed; but that no such Disposition shall, by force only of this Act, defeat or enlarge an Estate Tail; and that every such Disposition by a married Woman shall be made conformably to the Provisions, relative to Dispositions by married Women, of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, or in *Ireland* of an Act passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance, in* Ireland.

Contingent and other like Interests, also Rights of Entry, made alienable by by Deed, saving Estates in Tail; and as regards married Women enjoining conformity to 3 & 4 W. 4. c. 74.

4 & 5 W. 4. c. 92.

VII. That, after the First Day of *October* One thousand eight hundred and forty-five, an Estate or Interest in any Tenements or Hereditaments in *England*, of any Tenure, may be disclaimed by a married Woman by Deed; and that every such Disclaimer shall be made conformably to the said Provisions of the said Act for the Abolition of Fines and Recoveries and for the Substitution of more simple Modes of Assurance.

Capacity of Married Women to disclaim Estates or Interests by Deed extended to England.

VIII. That a contingent Remainder, existing at any Time after the Thirty-first Day of *December* One thousand eight hundred and forty-four, shall be, and, if created before the passing of this Act, shall be deemed to have been, capable of taking effect, notwithstanding the Determination, by Forfeiture, Surrender, or Merger, of any preceding Estate of Freehold in the same Manner, in all respects, as if such Determination had not happened.

Contingent Remainders protected as from 31 Dec 1844, against the premature Failure of a preceding Estate.

IX. That when the Reversion expectant on a Lease, made either before or after the passing of this Act, of any Tenements or Hereditaments, of any Tenure, shall, after the said First Day of *October* One thousand eight hundred and forty-five, be surrendered or merge, the Estate which shall for the Time being confer as against the Tenant under the same Lease the next vested Right to the same Tenements or Hereditaments, shall, to the Extent and for the Purpose of preserving such Incidents to, and Obligations on, the same Reversion, as, but for the Surrender or Merger thereof, would have subsisted, be deemed the Reversion expectant on the same Lease.

When the Reversion on a Lease is gone the next Estate to be deemed the Reversion.

X. That this Act shall not extend to *Scotland*.

Act not to extend to Scotland.

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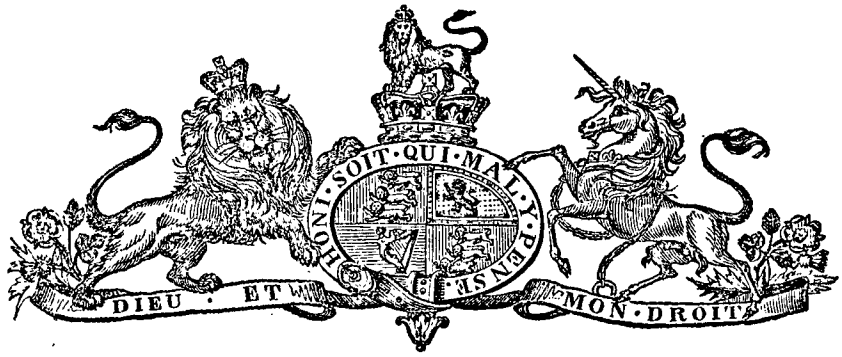

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CVII.

An Act for the Establishment of a Central Asylum for Insane Persons charged with Offences in *Ireland*; and to amend the Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor, in *Ireland*; and for appropriating the Lunatic Asylum in the City of *Cork* to the Purposes of a District Lunatic Asylum. [8th *August* 1845.]

WHEREAS it is expedient that One Central Asylum in or near the City of *Dublin* should be provided for the Custody and Care of Criminal Lunatics: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners of Public Works in *Ireland* for the Time being shall be Trustees for the Purpose of purchasing or providing, as herein-after mentioned, any Buildings, Lands, Tenements, or Hereditaments that may be necessary for the said Central Asylum, and the Site thereof, and the Premises to be occupied therewith, and for erecting thereon suitable

Commissioners of Public Works to be Trustees for providing Buildings and Lands necessary for the Establishment of a Central

Asylum for Criminal Lunatics.

suitable Buildings, and for repairing, enlarging, improving, upholding, and furnishing the same from Time to Time.

Commissioners of Public Works to be a Corporation for the Purposes of this Act.

II. And be it enacted, That for the Purposes of this Act the said Commissioners of Public Works in *Ireland* for the Time being, and their Successors, shall be a Corporation, by the Name or Style of "The Commissioners of Public Works in *Ireland*," and by that Name, for the Purposes of this Act, shall have perpetual Succession and a Common Seal, to be by them made and from Time to Time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all Courts, and before all Justices and others, and in that Capacity shall be deemed Promoters of the Undertaking authorized to be executed by this Act.

Power to Commissioners of Public Works to purchase or rent Buildings, Lands, &c. which may be required for such Central Asylum.

III. And be it enacted, That in order to enable the said Commissioners of Public Works in *Ireland* to purchase and provide the Buildings, Lands, Tenements, and Hereditaments which may be required for the said Central Asylum and the Site thereof, it shall be lawful for the said Commissioners, with the Approval of the Commissioners of Her Majesty's Treasury, to contract and agree with any Person or Persons, or Body or Bodies Corporate, for the Purchase or renting of any Buildings, Lands, Tenements, or Hereditaments required for such Central Asylum, or the Site thereof, and the Premises to be occupied therewith, and also for the Purchase of any subsisting Leases, Terms, Estates, or Interests therein or Charges thereon; and the Buildings, Lands, Tenements, or Hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to or in trust for Her Majesty, Her Heirs and Successors, in such Manner and Form as the said Commissioners of Her Majesty's Treasury shall direct.

Consolidation of this Act with Lands Clauses Consolidation Act.

IV. And be it enacted, That in order to enable the said Commissioners of Public Works to purchase and provide the said Buildings, Lands, Tenements, and Hereditaments, the "Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act, except the Clauses with respect to the Purchase and taking of Lands otherwise than by Agreement: Provided always, that all Things by the said Act required or authorized to be done by the Promoters of the Undertaking may be done by any Two of the Commissioners of Public Works in *Ireland*, subject to the Approval of the Commissioners of Her Majesty's Treasury, in the Cases provided by this Act.

Commissioners of Public Works to obtain Surveys, Plans, and Specifications, and submit same to the Treasury.

V. And be it enacted, That it shall be lawful for the said Commissioners of Public Works, if they shall be so directed by the Commissioners of Her Majesty's Treasury, to employ any competent Surveyor or Architect to make a Survey and Estimate of the said proposed Work, and to prepare such Plan, Section, or Specification thereof as may be necessary, and send the same to the Commissioners of Her Majesty's Treasury, for their Approval; and if the said Commissioners of Her Majesty's Treasury shall think fit to authorize the Work in any such Plan, Section, or Specification, or any Modification thereof which they may think proper, to be undertaken, they shall, by Warrant under their Hands, direct the said Commissioners

of

of Public Works to execute such Work, at and for an Amount not exceeding a Sum to be specified in such Warrant; and the said Commissioners of Public Works shall upon Receipt of such Warrant forthwith cause the Construction of the Work mentioned therein to be proceeded with.

Commissioners of Public Works to lay Accounts before the Commissioners of the Treasury.

VI. And be it enacted, That the said Commissioners of Public Works shall cause Accounts in Writing of the several Sums received by them as such Commissioners for the Purposes of this Act, and the Sums expended by them for such Purposes, and the Mode of such Expenditure, to be made up to the Thirty-first Day of *December* in each Year, or to such Period as the Commissioners of Her Majesty's Treasury shall direct; and the said Commissioners shall, as often as they shall be required so to do by the Commissioners of Her Majesty's Treasury, transmit to the said Commissioners of the Treasury the said Accounts; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to give such Directions as they shall think proper, defining the Duties of the said Commissioners of Public Works in the Execution of this Act; and the said Commissioners of Public Works shall observe all such Directions as aforesaid which shall from Time to Time be signified to them by the said Commissioners of Her Majesty's Treasury.

Proceedings in Actions by and against the Commissioners of Public Works, 1 & 2 W. 4. c. 33.

VII. And be it enacted, That the several Enactments contained in an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, which affect or relate to any Action or Suit to be commenced against the Commissioners for the Execution of the last-recited Act, or their Secretary, or any Person or Persons, for any thing done by virtue of or in pursuance of the last-recited Act, or in any Proceedings in any such Action or Suit, or any Limitation of Time for the Commencement thereof, or any Costs thereof, or any Evidence to be given therein, or any Notice of Action or Suit, or Satisfaction, or Tender thereof, or any Action or Suit to be commenced by the said Commissioners, or any Proceedings therein, or the said Commissioners suing or being sued in the Name of their Secretary, or any Abatement or Discontinuance of any such Action or Suit, or to the Court in which, or to the Terms or Conditions on which, any such Action or Suit shall be brought against the said Commissioners, collectively or individually, or their Secretary, shall be held to apply to and extend to any Action or Suit to be commenced against the Commissioners of Public Works in *Ireland*, or their Secretary, or any Person or Persons, for any thing done by virtue of or in pursuance of this Act, or to any Proceedings in any such Action or Suit, or to the Limitation of Time for the commencing thereof, or to any Costs thereof, or to any Notice of any such Action or Suit, or to any Evidence to be given therein, or to any Action or Suit to be commenced by the said Commissioners of Public Works in the Execution of this Act, or on account of or in pursuance of this Act, or to any Proceedings in any such Action or Suit, or to the said Commissioners suing or being sued in the Name of their Secretary for the Time being, or to any Abatement or Discontinuance of any such Action

Action or Suit, or to the Court in which, or to the Terms or Conditions on which, any such Action or Suit shall be brought against the said Commissioners of Public Works, collectively or individually, or against their Secretary.

When Central Asylum established, the Lord Lieutenant empowered to order the Removal of Criminal Lunatics to such Asylum. 1 & 2 G. 4. c. 33.

VIII. And whereas by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offences, in* Ireland, it is amongst other things enacted, that it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to give such Order for the safe Custody and Care of Criminals found insane as in the said Act mentioned, during the Pleasure of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, in such Place and in such Manner as should seem fit; and it is by said Act further provided and enacted, that whenever and as soon as there should be a Lunatic Asylum built or maintained, either wholly or in part, in any County, County of a City or County of a Town, wherein such Prisoner as therein mentioned should be tried or found insane as therein mentioned, then and from thenceforth such Insane Person should without Delay be removed to such Asylum as therein mentioned, and should be kept therein so long as such Prisoner should be detained in Custody; be it enacted, That whenever and as soon as the said Central Asylum shall be erected, and fit for the Reception of Criminal Lunatics, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order and direct that all Criminal Lunatics then in Custody in any Lunatic Asylum or Gaol, or who shall thereafter be in Custody, shall be removed without Delay to such Central Asylum, and shall be kept therein so long as such Criminal Lunatics respectively shall be detained in Custody.

Lord Lieutenant to appoint the Officers and Servants of Central Asylum; and Lord Lieutenant and Council to make Rules and Regulations for the Government thereof.

IX. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to nominate and appoint such Persons as he or they shall think fit and proper to be Governor, Physician, Surgeon, Apothecary, Matron, Keepers, Officers, and Servants of said Central Asylum, and also that it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of Her Majesty's Privy Council in *Ireland*, from Time to Time to make, frame, and establish any Rules and Regulations which may be necessary or proper for the good Conduct and Management of the said Central Asylum, and from Time to Time to revoke, alter, or make new such Rules and Regulations.

Persons not to be committed as dangerous Lunatics, unless upon Information upon Oath. 1 Vict. c. 27.

X. And whereas by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for the Prevention of Offences by Insane Persons in* Ireland, it is amongst other things enacted, that if any Person should be discovered and apprehended in *Ireland* under Circumstances denoting a Derangement of Mind, and a Purpose of committing some Crime

for which, if committed, such Person would be liable to be indicted, it should be lawful for any Two Justices of the Peace of the County, County of a City, County of a Town, City or Town, and Liberties, before whom such Person might be brought, to call to their Assistance any legally qualified Physician, Surgeon, or Apothecary; and if upon View and Examination of the said Person so apprehended, or from other Proof, the said Justices should be satisfied that such Person was a dangerous Lunatic or a dangerous Idiot, it should be lawful for the said Justices, by Warrant under their Hands and Seals, to commit such Person to the Gaol of such County, County of a Town, City or Town, and Liberties, there to be kept in strict Custody until or unless such Person should be discharged in manner by the said Act provided; be it enacted, That it shall not be lawful for the said Justices to commit such Person to Gaol unless Information on the Oath of One or more credible Witness or Witnesses shall have been made before the said Justices, stating Facts from which it shall appear that such Person was discovered and apprehended under Circumstances denoting a Derangement of Mind, and a Purpose of committing some Crime for which, if committed, such Person would be liable to be indicted, and that such Person is a dangerous Lunatic or a dangerous Idiot; and such Justices shall, if they shall so think fit, bind the Person or Persons swearing such Information to appear at the next Commission or Assizes, or General or Quarter Sessions of the Peace, whichever may first occur, which Information shall be returned to the Clerk of Crown or Peace; and the Judges presiding at such Commission, or the Judge of Assize, or Assistant Barrister or Recorder, as the Case may be, shall, if they shall consider it necessary so to do, examine into the Case, and report to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being whether such Person appears to him or them to be a dangerous Lunatic or dangerous Idiot.

Lord Lieutenant may discharge a Person committed as a dangerous Lunatic who is duly certified to him to have become of sound Mind, or to have ceased to be a dangerous Lunatic. 1 Vict. c. 27.

XI. And whereas by the said Act it is also amongst other things enacted, that it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, if he or they should so think fit, to direct, by Warrant under his or their Hand or Hands, that any Person who might be detained in Custody in any Gaol by virtue of any such Warrant as aforesaid should be removed to the Lunatic Asylum established either wholly or in part for the County, County of a City, or County of a Town in which such Person should be in Custody; and every such Person so removed should remain under Confinement in every Asylum to which such Person might be removed until it should be duly certified to the said Lord Lieutenant or other Chief Governor or Governors, by Two Physicians or Surgeons, or a Surgeon and Physician, that such Person had become of sound Mind, whereupon the said Lord Lieutenant or other Chief Governor or Governors was thereby authorized to issue his or their Warrant to the Keeper or other Person having the Care of any such Asylum, directing that such Person should be discharged; be it enacted, That whenever it shall be duly certified to the said Lord Lieutenant or other Chief Governor or Governors, in manner aforesaid, that any such Person has become of sound Mind, or has ceased to be or is not a dangerous Lunatic or a dangerous Idiot, it

shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors and he and they is and are hereby authorized to issue his or their Warrant to the Keeper or other Person having the Care of any such Asylum, directing that such Person shall be discharged.

Lord Lieutenant may direct Persons under Sentence of Imprisonment or Transportation, who become insane, to be removed to Central Asylum. 1 Vict. c. 27.

XII. And be it enacted, That whenever and as soon as the said Central Asylum shall be erected and fit for the Reception of Lunatics it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to direct, by Warrant under his or their Hand or Hands, that any Person who may be under any Sentence of Imprisonment or Transportation in any Gaol or Place of Confinement, or in any District Asylum, and in respect of whom it shall be certified by Two Physicians or Surgeons, or a Surgeon and Physician, that such Person is or has become insane, shall be removed to the said Central Asylum; and every such Person so removed shall remain under Confinement in said Asylum so long as such Person shall remain subject to be continued in Custody, or until it shall be duly certified to the said Lord Lieutenant or other Chief Governor or Governors, by Two Physicians or Surgeons, or a Surgeon and Physician, that such Person has become of sound Mind, whereupon the said Lord Lieutenant or other Chief Governor or Governors is hereby authorized, if such Person shall remain subject to be continued in Custody, to issue his or their Warrant to the Keeper or other Person having the Care of any such Asylum, directing that such Person shall be remitted to the Prison or other Place of Confinement from which he or she shall have been taken, or, if such Person shall be entitled to his or her Discharge, to direct the Discharge accordingly.

The District Lunatic Asylums may receive as many Patients as they can accommodate, the Care and Maintenance of whom shall be provided for as heretofore. 1 & 2 G. 4. c. 33.

XIII. And whereas by the said Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *George* the Fourth it is amongst other things enacted, that at any Time after the passing of the said Act it should and might be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of His Majesty's Privy Council in *Ireland*, to direct and order that any Number of Asylums for the Lunatic Poor in *Ireland* should be erected and established in and for such Districts in *Ireland* as to the said Lord Lieutenant or other Chief Governor or Governors and Privy Council should seem expedient; and that every such District should and might consist either of the whole of Two or more Counties, or of One or more County or Counties and One or more County or Counties of Cities or Towns, or of One County or County of a City or County of a Town only, and no more, but should not in any Case include Part only of any County, County of a City or Town; and that all Lunatic Poor within every such District respectively should be maintained and taken care of in the Asylum belonging to such District; and that every such Asylum established or to be established for any District consisting of more than One County, or One County of a City or County of a Town, should be sufficient to contain such Number of Lunatic Poor, not being less than One hundred nor morethan One hundred and fifty in any One Asylum, as

should seem expedient to such Lord Lieutenant or other Chief Governor or Governors and Privy Council; and that where any such District should consist of only One County or County of a City or County of a Town, and no more, every such Asylum should be sufficient to contain such Number of Lunatic Poor, not being less than Fifty, as should seem expedient to such Lord Lieutenant or other Chief Governor or Governors and Privy Council: And whereas the said Act was amended by an Act passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act for the further Amendment of an Act of the First and Second Years of His present Majesty, for the Establishment of Asylums for the Lunatic Poor in* Ireland: And whereas several such Asylums have been erected and established, and the said Asylums are capable of affording Accommodation for a larger Number of Lunatic Poor than the Number limited by the said Two last-recited Acts as the Number which it is lawful under the Provisions of such Acts to maintain and take care of within any One Lunatic Asylum: And whereas by an Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act passed in the Eleventh Year of the Reign of His late Majesty King* George *the Fourth, intituled* '*An* '*Act for appropriating the* Richmond *Lunatic Asylum in* Dublin *for* '*the Purposes of a District Lunatic Asylum*,' the said *Richmond* Lunatic Asylum was empowered to receive, maintain, and take care of within the said Asylum any Number of Lunatic Poor for the Reception and Accommodation of whom the said Asylum should or might afford Space or Capacity: And whereas it is expedient to remove the Limitation as to the Number of Lunatic Poor which other District Lunatic Asylums now erected and established, or hereafter to be erected and established, may respectively receive, maintain, and take care of, and to extend the Provisions of the said last-recited Act to the said other District Lunatic Asylums; be it enacted, That from and after the passing of this Act any Enactment or Provision contained in the said recited Act of the Session holden in the First and Second Years of His late Majesty King *George* the Fourth, or in any other Act or Acts, whereby the Number of Lunatic Poor to be maintained and taken care of in a District Lunatic Asylum is in any Manner limited or restricted, shall be and the same is accordingly hereby repealed; and that notwithstanding any thing in the said last-mentioned Act, or in any other Act or Acts to the contrary, it shall and may be lawful to receive, maintain, and take care of, within every such District Lunatic Asylum, any Number of Lunatic Poor whatsoever, for the Reception and Accommodation of whom such Asylum shall or may afford Space and Capacity; and that the Care, Maintenance, Superintendence, and Expenditure which shall be or become requisite for or in respect of all such Lunatic Poor shall be defrayed, raised, and provided for in all respects as the Care, Maintenance, Superintendence, and Expenditure requisite for or in respect of such limited Number of Lunatic Poor as before the passing of this Act it was or might have been lawful to maintain and take care of in such Lunatic Asylum might or ought to have been defrayed, raised, and provided for: Provided, nevertheless, that the maximum Number of Lunatics admissible into such Asylums respectively shall first be fixed

7 G. 4. c. 14.

1 W. 4. c. 19.

and

and determined from Time to Time by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Lord Lieutenant authorized to make Orders in Council for the Enlargement of District Lunatic Asylums.

XIV. And whereas by the said Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth it was amongst other things enacted, that it should and might be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of His Majesty's Privy Council in *Ireland*, from Time to Time and at all Times, whenever and so often as should seem expedient to him or them so to do, to direct and order that any Asylum or Asylums for the Lunatic Poor in *Ireland* should be erected and established in any Place or in and for any District in *Ireland*, in lieu of or in addition to any Asylum or Asylums erected under the Authority of the therein and herein before recited Act of the First and Second Years of King *George* the Fourth, and from Time to Time to alter or change the District or Places in or for which any such Asylum or Asylums shall have been or shall be erected under the Authority of the said recited Act or the Act now in recital: And whereas the said Act does not provide for the Enlargement or Extension of said District Asylums: And whereas the present Accommodation in District Asylums for Pauper Lunatics is insufficient, and it is expedient that further Accommodation should be provided, so as to enable Pauper Lunatics to be received into said Asylums as soon as may be after they are afflicted with Insanity, without which it is frequently found impossible to cure the Disorder; be it enacted, That if it shall be deemed necessary, at any Time hereafter, to enlarge or extend the Buildings of any District Asylum for the Lunatic Poor in *Ireland*, or the Out-offices thereof, or to procure more Ground fit or necessary to be enjoyed therewith, then and in every such Case it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of Her Majesty's Privy Council in *Ireland*, from Time to Time, and whenever it shall seem expedient to him or them so to do, to direct and order that such Enlargement or Extension shall be made, or such additional Ground as may be required shall be obtained, or, where it shall be inconvenient or impracticable to erect or obtain additional Buildings adjoining to any such District Asylum or Asylums, then that additional Buildings, with the Ground fit or necessary to be enjoyed therewith, shall be erected, established, rented, or purchased within the same District, and as near as conveniently may be to such Asylums respectively; and such additional Buildings and Ground shall be held in connexion with and as Part of the Asylum for the District in which said additional Buildings or Ground shall be situate; and every Order in Council to be made for any such Purposes shall be published in the *Dublin Gazette*.

Asylums may be appropriated for the exclusive Reception of particular

XV. And be it enacted, That in order to provide for the more effectual Treatment of Pauper Lunatics, by a better Classification of the same, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, from Time to Time and at all Times, whenever and so often as shall seem expedient to him

him or them so to do, to direct and order that any existing Asylum or additional Buildings which may be made to existing Asylums under the Provisions of this Act shall and may be exclusively appropriated for the sole and exclusive Reception, Custody, and Treatment of a particular Class of the said Pauper Lunatics distinguishable by the Nature and Character of the Disease, and whether recent in its Origin or chronic, or whether considered curable or incurable, or to direct and order that a Provincial Asylum for the Lunatic Poor shall be erected, established, and maintained in and for any or each of the Provinces of *Ireland* to be so appropriated to any particular Class or Classes of Lunatic Poor of such Province as aforesaid, such Provincial Asylums to be in addition to any District Asylum or Asylums erected or to be erected under said recited Acts or any of them, and from Time to Time to make Rules and Orders for the Government and Control thereof, and for the Admission of Lunatics thereto; and with the view to make Room in any such District Lunatic Asylum appropriated for the Treatment and Reception of recent and curable Cases for Patients deemed capable of Cure, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* from Time to Time to cause to be removed from such District Lunatic Asylum, to such other Asylum connected with such District, and appropriated specially for chronic Cases or Cases apprehended to be incurable, any Lunatics who shall be certified by the Committee of Management, the Manager, and by the Medical Officer of such first-mentioned District Asylum, as a proper Patient to be removed to an Asylum for chronic Lunatics for such District, or connected therewith.

Classes as to Disease of Pauper Lunatics.

XVI. And be it enacted, That all Enactments contained in the said Acts of the First and Second Years of the Reign of His late Majesty King *George* the Fourth, and of the Seventh Year of the Reign of His said late Majesty, and of the Eleventh Year of the Reign of His said late Majesty, and in any Act or Acts amending the same or any of them, shall and may from Time to Time and as Occasion may require, so far as the same are applicable, and not repugnant to the Provisions hereof, be extended, applied, used, exercised, and enforced to and in respect of any Asylums, Buildings, or Ground which may be erected, purchased, or rented under the Provisions of this Act, save and except as to such Central Asylum first herein mentioned; and that the Expence of erecting, establishing, and maintaining every District Asylum for the Lunatic Poor in *Ireland*, and every Asylum which under the Provisions of this Act shall be so exclusively appropriated for the Reception of a particular Class or Description of Pauper Lunatics, together with the Ground so rented or purchased, or the Buildings so to be erected or obtained, adjoining to or in connexion therewith respectively, shall be raised in such Manner as is directed by said Acts or any of them; and that every such Asylum shall be subject to all such Rules and Regulations as are contained in the said recited Acts; and that the said Acts and this Act shall be construed together as One Act; and in any Case of a Provincial Asylum erected and established for any Province as aforesaid, such Province, and the several Counties, Counties of Cities and

Powers of recited Acts to apply to this Act.

Counties of Towns, situate therein, shall be deemed and taken as a District attached to such Asylum: Provided always, that the Erection and Establishment of any such Provincial Asylum shall not be deemed in any respect to prejudice or interfere with any District Lunatic Asylum situate therein, or any District assigned or attached to the same, or any Provisions relating thereto.

Manner of proceeding where any County, &c. shall be taken out of any District and removed to any new District. 7 G. 4. c. 14.

XVII. And whereas by the said recited Act of the Seventh Year of His late Majesty King *George* the Fourth it is amongst other things enacted, that if it shall at any Time happen that any Money shall have been raised off any County, County of a City or County of a Town, or any Part thereof, towards defraying the Expences of erecting, establishing, maintaining, or supporting of any Lunatic Asylum, and that by reason of any Change of the District or Place in or for which such Asylum shall have been established such County, County of a City or County of a Town, or any Part thereof, shall be taken out of the District liable to be assessed for such Expences, then and in such Case any Sum or Sums of Money which shall have been raised off such County, County of a City or County of a Town, or such Part thereof as aforesaid, shall be raised off any and every County, County of a City or County of a Town, or any Part or Parts thereof, which shall remain within such District; and all and every Sum and Sums which shall be so raised shall be repaid to the Treasurer of the County, County of a City or County of a Town, which shall have been removed from such District; and that whenever any County, County of a City or County of a Town, or any Part or Parts thereof, which shall have been comprised in any former District, shall by reason of any such Change as aforesaid be comprised in or shall form Part of any new District, such County, County of a City or County of a Town, or such Part thereof, shall be and is hereby declared to be subject and liable towards the defraying the Expences of any Asylum in or for such new District, in like Manner as is directed by the said recited Acts or either of them, and as if such County, County of a City or County of a Town, or such Part thereof, had been originally comprised in or formed Part of such new District: And whereas it is expedient that in case of any Change of any such District as aforesaid no Sum of Money should be repaid to the Treasurer of any such County, County of a City or County of a Town, which shall be removed from such District, save and except for defraying the Expence of erecting or establishing such Lunatic Asylum, but not for the Expence of maintaining or supporting the same; be it enacted, That when any Change of the District of any District Asylum shall be made as aforesaid no Sum of Money for defraying the Expences of maintaining or supporting any such District Asylum (after the same shall have been erected and established) shall from and after the passing of this Act be raised off any County, County of a City or County of a Town, or any Part thereof, which shall remain (or be) within such District, or be repaid to the Treasurer of the County, County of a City or County of a Town, which shall have been removed from such District, or be raised off any County, County of a City or County of a Town, or Part thereof, which shall have been comprised in any former District,

trict, and shall by reason of any such Change be comprised in or form Part of any new District for any such Asylum, any thing in the said recited Enactment to the contrary notwithstanding.

Lunatic Wards, &c. connected with Houses of Industry. 6 & 7 W. 4. c. 116.

XVIII. And whereas by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, it is enacted, that when a Lunatic Asylum, or any Ward or Wards for the Reception and Support of Idiots and Insane Persons, is connected with or under the Direction of any House of Industry in any County, it shall and may be lawful for the Grand Jury at any Summer Assizes to present such Sum or Sums, not exceeding the Sum of One hundred Pounds, as shall appear to be necessary for the Support of such Asylum or Ward connected with such House of Industry, and such Sum shall be raised off the County at large, and levied and applied accordingly: And whereas it is expedient that such Places should not be used for the Support, Reception, or Custody of Insane Persons, when sufficient Accommodation for them shall be provided in District Asylums; be it therefore enacted, That whenever and as soon as such Enlargement and Extension of any such District Lunatic Asylum shall have been made as aforesaid, or any such additional Asylum in connexion with any such District Lunatic Asylum for any such District shall have been erected, or whenever any existing District or Provincial Lunatic Asylum shall be sufficient for the Purpose, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* from Time to Time in any such Cases to order and direct that all such Idiots or insane poor Persons as shall be at the Time of such Order kept, supported, or detained in any such House of Industry, or in any Lunatic Asylum, or Ward or Wards for the Reception or Support of Idiots or Insane Persons connected with or under the Direction of any House of Industry, shall be forthwith removed to the District or Provincial Lunatic Asylum established for the District or Province within which such House of Industry shall be situate; and from and after the making of such Order, and the Publication of the same in the *Dublin Gazette*, such last-mentioned Idiots and Insane Persons shall be accordingly without Delay removed to such District or Provincial Lunatic Asylum; and after the making and Publication of such Order it shall not be lawful to receive into, or support, keep, or detain any Idiot or insane poor Person in any such House of Industry or Asylum, or Ward connected therewith; and from thenceforth no Presentment shall be made by any Grand Jury for the Support of such Asylum or Ward in or connected with such House of Industry.

Cork Lunatic Asylum shall become a District Lunatic Asylum for the County and the City of Cork, and of such other

XIX. And be it enacted, That from and after the First Day of *September* next the *Cork* Lunatic Asylum shall and may be and become a District Lunatic Asylum for the County of *Cork* and the County of the City of *Cork*, and for such other County or Counties, if any, as from Time to Time may, under the Provisions of the said Act of the First and Second Years of His late Majesty King *George* the Fourth, or any Act amending same, be constituted, together with the said County of *Cork* and County of the City of *Cork*, a District

for

County, if any, as shall be added thereto.

for a Lunatic Asylum; and that all Rules, Orders, Regulations, Rights, Powers, Authorities, Privileges, Liabilities, Provisoes, and Enactments contained in the said Act of the First and Second Years of King *George* the Fourth, and of any Act or Acts amending same, and of this Act, shall and may, from Time to Time as occasion may require, be extended, applied, used, exercised, and enforced to and in respect of the District so constituted, in like Manner to all Intents and Purposes as in the Case of any District Lunatic Asylum created or established by or subject to the Provisions of the said recited Act, or any Act amending same, or this Act.

Grand Juries of Cork, &c. shall make Presentments for Support of such Asylum.

XX. And be it enacted, That from and after the said Day it shall and may be lawful for the Grand Juries of the County of the City of *Cork* and of the County of *Cork*, and of each other County, if any, which may or shall from Time to Time constitute Part of or be included in the District belonging to the said Asylum, and such Grand Juries are hereby respectively required, to present, to be raised off the said City and each such County respectively, any Sum or Sums of Money requisite to pay the Expences of the said Asylum, as well those of any Building, Alteration, or Reparation thereof, or of the Purchase of any Ground or Property for the Purposes thereof, as those of the Maintenance, Clothing, and other Charges of the Patients therein, in like Manner, with the same Authorities, and under the same Regulations and Restrictions, as are provided in and by the said Act of the First and Second Years of His late Majesty's Reign with respect to any District Lunatic Asylum, or any Act or Acts amending same, or in and by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland.

6 & 7 W. 4. c. 116.

Asylum vested in Commissioners under 1 & 2 G. 4. c. 33.

XXI. And be it enacted, That from and after the said First Day of *September* the said Asylum, and the Ground and Soil where the same stands, and the several Materials and Appurtenances, shall be and become vested in such Commissioners as have been or shall, pursuant to the Provisions of the said recited Act of the First and Second Years of His Majesty, be nominated and appointed for the District to which the said Asylum shall belong, or any Three of them, and to their Heirs and Successors, in trust for and to the Uses and Purposes of the said Asylum as such District Lunatic Asylum.

Lord Lieutenant may make Rules and Regulations for the holding of Lectures.

XXII. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of Her Majesty's Privy Council in *Ireland*, to make and found such Rules and Regulations for the holding of Lectures by the Medical Attendant or Attendants of the said Central Asylum, or said Provincial or District Asylums, or any of them, as to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Advice of said Privy Council aforesaid, may seem fit.

XXIII. Whereas

Lord Lieutenant to appoint Inspectors of Lunatics, and Functions of Inspectors General of Prisons vested in them.

XXIII. Whereas it is expedient that more adequate Provision be made for the Inspection of all Lunatic Asylums under this and the herein-before recited Acts; now be it enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall be and he or they are hereby empowered, if they shall so think fit, to appoint One or Two duly qualified and experienced Persons to act as Inspectors of Lunatics in *Ireland;* and on such Appointments the Functions of the Inspectors General of Prisons in *Ireland*, so far as they relate to the Inspection of Lunatic Asylums or other Establishments for Lunatics, shall be transferred to such Inspectors of Lunatics so to be appointed under this Act, and such Inspectors of Lunatics shall thereon undertake and perform all the Duties in respect to Lunatic Asylums which heretofore have been undertaken and performed by the Inspector General of Prisons, under the Provisions of any previous Act, and under this Act.

Inspectors to visit Asylums and inquire into the Management thereof.

XXIV. And be it enacted, That One of the said Inspectors shall once or oftener in each Year, on such Day or Days and at such Hours of the Day and for such Length of Time as they shall think fit, visit every Asylum for Lunatics or House for the Reception of the same, and every Gaol, Union Workhouse, or House of Industry in which there shall be or alleged to be any Lunatic, and shall inquire whether the Provisions of the Law have been carried out in the Management of such Establishments respectively, and also as to the Regularity of the Admissions and Discharges of Patients therein and therefrom, and whether Divine Service is performed therein, and whether any System of Coercion is in practice therein, and the Result thereof, and as to the Classification or Non-classification of Patients therein, and the Number of Attendants on each Class, and as to the Occupations and Amusement of the Patients and the Effects thereof, and as to the Condition as well mental as bodily of the Patients when first received, and also as to the Dietary of the Patients, and shall also make such other Inquiries as to every or any such Asylum, and all such Inquiries as to the Lunatics as aforesaid, as to such Inspectors shall seem meet.

Registry of Admissions, of Discharges and Deaths, and Medical Journal, to be kept.

XXV. And be it enacted, That from and after the First Day of *January* next ensuing the passing of this Act there shall be kept in each District Asylum for the Lunatic Poor which is or may be hereafter established in *Ireland* a Registry of Admissions, a Registry of Discharges and Deaths, and a Medical Journal, in the Forms set forth in the Schedule to this Act annexed, which Forms shall be adopted and used hereafter in the Place of the Forms for similar Purposes now in use in such Asylums respectively.

Interpretation Clause.

XXVI. And be it enacted, That the Term "Criminal Lunatic" in this Act shall be construed to mean any Person acquitted on the Ground of Insanity, or found to have been insane under the Provisions of the said Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *George* the Fourth; and the Term "Lunatic" shall be construed to mean any Insane Person.

Act to extend only to Ireland.

XXVII. And be it enacted, That this Act shall extend only to *Ireland*.

Alteration of Act.

XXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULE No. 1.

REGISTRY OF ADMISSIONS.

REGISTER OF PATIENTS.*

No. in Order of Admission.		Date of Admission.	Christian and Surname at Length.	Sex. M.	Sex. F.	Age.	Condition as to Marriage. Married.	Single.	Widowed.	Condition of Life, and previous Occupation.	Previous Place of Abode.	County, Union, or Parish to which belonging.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Form of mental Disorder.	Supposed Cause of Insanity.	Bodily Condition, and Name of Disease, if any.	Epileptics.	Congenital Idiots.	Duration of existing Attacks. Years.	Months.	Weeks.	Number of previous Attacks.	Age on first Attack.	Date of Discharge or Death.	Discharged. Recovered.	Relieved.	Not improved.	Died.	Observations.
Dec. 4, 1844.	1	1846: Jan. 8	William Johnson	1	–	23	–	1	–	Carpenter -	- -	- -	- -	- -	Melancholia	- -	- -	-	-	–	4	–	2	17	1846: Sept. 1	1	–	–	–	–
	2																													
	3																													
1	4	1848: June 9	William Johnson	1	–	25	–	1	–	- - -	- -	- -	- -	- -	- -	- -	- -	-	-	7	–	–	3	–	1848: Dec. 2	1	–	–	–	–
	5																													
	6																													
4	7	1852: May 6	William Johnson	1	–	29	1	–	–	- - -	- -	- -	- -	- -	- -	- -	- -	-	-	3	–	–	4	–	1853: June 8	–	–	–	–	–
	8																													

* In the Case of an Asylum receiving both private and pauper Patients, a separate Register in the above Form to be kept for each Class.

SCHEDULE No. 2.

Register of Discharges and Deaths.*

Date of Discharge or Death.	Date of last Admission.	No. in Register of Patients.	Christian and Surname at Length.	Sex.		Discharged.						Died.		Assigned Cause of Death.	Age at Death.		Observations.
						Recovered.		Relieved.		Not improved.							
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.	
1846: Sept. 1 -	1846: Jan. 3 -	1	William Johnson	1	–	1											
1848: Dec. 2 -	1848: June 9 -	4	William Johnson	1	–	1											
1853: June 8 -	1852: May 6 -	7	William Johnson	1	–	–	–	–	–	–	–	1	–	Phthisis	27		

* In the Case of an Asylum receiving both private and pauper Patients, a separate Register in the above Form to be kept for each Class.

SCHEDULE No. 3.

Form of Medical Journal.*

Date.	Number of Patients.		Names of Patients under Restraint, and by what Means; and under Seclusion, and for what Period.		Names of Patients under Medical Treatment.		Report on State of Health of Patients, and Condition of Asylum.
	M.	F.	Males.	Females.	Males.	Females.	

* In the Case of an Asylum receiving both pauper and private Patients, a separate Journal to be kept in the above Form for each Class.

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

CAP. CVIII.

An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the *Irish* Fisheries. [8th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to regulate the* Irish *Fisheries:* And whereas one other Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend an Act of the Sixth Year of Her present Majesty, intituled* 'An Act to regulate the Irish *Fisheries;*' *and to empower the Constabulary Force to enforce certain Provisions respecting the* Irish *Fisheries:* And whereas it is expedient, for the better Regulation and Improvement of the said Fisheries, to give further Power and additional Means for the Purpose of more effectually carrying out the Provisions of the said Acts, and to amend the said recited Acts in the several Particulars hereinafter mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, by Warrant under the Hands of any Three or more of them, if they shall

5 & 6 Vict. c. 106.

7 & 8 Vict. c. 108.

Treasury may appoint an additional Commissioner for Fisheries:

shall so think fit, to appoint One Person to be a Commissioner of Fisheries, to be associated with the Commissioners of Public Works in *Ireland* for the Time being, and with them be a Commissioner for the Execution of the said recited Acts and this Act during Pleasure, and to remove such Commissioner, and to appoint another in the Stead of the Person so removed or dying or resigning; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to pay to such Person to be so appointed such Sum by way of annual Salary as the said Commissioners of Her Majesty's Treasury shall think fit; and such Commissioner of Fisheries, when so appointed, shall and may, for the Purposes of said recited Acts and this Act, have, use, and exercise all and every the like Powers and Authorities and have like Privileges as are by said recited Acts or any of them vested in or given to the said Commissioners of Public Works or any of them; and all and every the Powers and Authorities in and by the said recited Acts and this Act given to or vested in the said Commissioners of Public Works, or which under the Provisions of this Act may be used by or be vested in such new Commissioner, may be exercised by the said Commissioners of Public Works, or by such new Commissioner appointed under this Act, or by any One or more of them.

and allow him a Salary.

The Use of illegal Weirs and Nets to be subject to the same Penalties as for Erection.

II. And be it enacted, That if any Person shall, after the Twentieth Day of *August* One thousand eight hundred and forty-five, fish with or use any Stake Weir, Stake Net, Bag Net, fixed Net, or any Contrivance for placing or erecting any Net or Engines, which under the Provisions of the said first-recited Act are prohibited to be placed or erected in any Part of any Estuary or the Mouth or tidal Part of any River where the Breadth of the Channel at Low Water of Spring Tides is less than Three Quarters of a Mile Statute Measure, or which are prohibited to be placed or erected within the Space of One Statute Mile Seaward, Coastwards, or Inwards from or on either Side of the Mouth or Entrance of any River into the Sea, the inland Portion of which River is frequented by Salmon, and the Breadth of which Mouth, as now or hereafter to be defined by the said Commissioners, is less than Half a Mile Statute Measure at Low Water of Spring Tides, any Person so offending shall be subject and liable to such and the same Penalty and Penalties as by said first-mentioned Act the Person or Persons erecting or placing such Weirs, Nets, or Contrivance for placing or erecting Nets, are subject and liable to; and upon Proof that any such Weir, Net, or Contrivance has been so used or fished it shall be lawful for the Justices at Petty Sessions, or other the Persons having Jurisdiction to enforce the Provisions of the said recited Acts or this Act, to direct the same to be forfeited and removed, and the Materials thereof to be disposed of and dealt with in such and the same Manner as by said first-recited Act is provided and directed in Cases of the Seizure of illegal Nets, or legal Nets when used contrary to Law.

Commissioners empowered to suspend the

III. And whereas, notwithstanding the Provisions of the said first-recited Act with regard to the Erection and Use of Stake Weirs, Stake Nets, Bag Nets, fixed Nets, and Contrivances for fixing or placing

placing Nets, the same or some Parts thereof are in many Instances erected and used in Places prohibited by the said recited Act by Parties who have no Title so to do; and it is expedient, for the Protection of public Rights, and to prevent Disputes, that the said Commissioners should have Power to suspend the Use of such Weirs, Nets, and Contrivances, and remove the same, in all Cases where it shall appear to them that the same or any Part thereof are illegally erected, placed, or used; and that the said Commissioners should for such Purposes have and use the same Powers and Authorities with respect to such Weirs, Nets, and Contrivances, or any Part thereof, as they are now authorized under the said first-recited Act to use and exercise in Cases of Weirs or Nets and Contrivances erected in such Manner as in their Judgment to be injurious and detrimental to Navigation; be it therefore enacted, That it shall be lawful for the said Commissioners, upon and after Complaint being made to them in Writing, signed by the Party making the same, and setting forth the Circumstances under which any such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance, or any Part of the same, is or shall be so erected or used contrary to the Provisions of the said recited Acts or this Act, to summon before them the Party or Parties complained of to attend at some Place near or convenient to that in which any such Weir, Net, or Contrivance may be so erected and used; and the said Commissioners shall accordingly, at the Time and Place mentioned in any such Summons, upon Proof of the personal Service of such Summons, or upon Proof of such Summons having been left at or on board the Vessel, or at or posted on the known Residence of the Party or Parties complained of, proceed to hear all such pertinent Evidence as may be adduced before them by or on behalf of the Party making such Complaint, as well as the Party or Parties complained of; and if after hearing all such Evidence the said Commissioners shall so think fit and right it shall and may be lawful to and for the said Commissioners to make an Order or Decision in Writing under their Hands and Seals, declaring that such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance, or any Part thereof, is a Nuisance, and shall be abated and removed; and the said Commissioners are hereby empowered, by Warrant under their Hands and Seals, to authorize any Person to abate and remove any such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance, or any Part thereof, at the Expence of the Party or Parties appearing to the said Commissioners to have erected or used the same; and, subject to the Appeal herein-after provided for, it shall be lawful to and for the said Commissioners to order and direct that the Materials of any such Weir, Net, or Contrivance, or any Part thereof, be forfeited and sold, and the Produce arising from such Sale applied in such Manner as is by the said first-mentioned Act provided in Cases of illegal Nets used, or legal Nets illegally used, for fishing; provided always, that nothing herein contained shall extend to any Case where the Party who erected or used such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance acted under a fair and reasonable Supposition that he had a Right to do the Act complained of, and shall, if so required by the said Commissioners, give Security, in such Manner and in such Amount not exceeding One hundred Pounds as the said Commissioners shall think fit, conditioned to appeal to the Judges

Use of and remove illegal Weirs and Nets in Places prohibited.

Judges of Assize within such Time and in such Manner and subject to such Regulations as are herein-after provided in Cases of Appeals against any Order or Decision of the said Commissioners as last aforesaid, and upon such Appeal to establish or prove before such Judges that he had a Right or Title to erect or use such Weir, Net, or Contrivance, or any Part thereof, at the Time or in the Place where the same may have been so erected or used; and it shall be lawful for such Judges or one of them to hear and decide such Matter as aforesaid as if the same were an Appeal from an Order or Decision made by the said Commissioners for the Abatement as a Nuisance of such Weir, Net, or Contrivance, or any Part thereof, and thereupon to certify under their or his Hands or Hand their or his Decision whether such Party had or had not established or proved before them or him such Right or Title as aforesaid.

Appeal to Judge of Assize.

IV. Provided always, and be it enacted, That if any Person shall think himself aggrieved by any such Order or Decision of the said Commissioners such Person may appeal to the next going Judges of Assize at the Assizes to be held for the County, County of the City or Town, in which or on the Shore or Boundary of which any such Weir, Net, or Contrivance shall have been so erected or used, provided such Assizes shall be held at any Time not less than Thirty-one Days after the Time the said Commissioners shall have made any such Order or Decision; and in case such Assizes shall be held within Thirty-one Days from the Time of such Order or Decision, such Appeal shall be made to the Assizes to be held in and for such County, County of a City or Town, next after such First Assizes; and that no such Appeal shall be allowed, received, heard, or determined, unless the Party appealing shall, within Twenty-one Days from the Date of such Order or Decision of the said Commissioners, give Notice in Writing to the said Commissioners of his Intention to try such Appeal; and it shall be lawful to and for the said Judges of Assize or one of them to try the Subject Matter of the said Appeal, and decide whether the Party appealing had a Right to erect or use such Weir, Net, or Contrivance, or any Part thereof, at the Time or in the Place where the same may have been so erected or used: Provided always, that in case of such Appeal being made, and Notice given as aforesaid, the Materials of such Weir, Net, or Contrivance, or any Part thereof, as the Case may be, shall be deposited in the Custody of such Officer or Men of the Coast Guard or Constabulary, or with such other Party or Person as the said Commissioners may direct or appoint for the Purpose, there to remain and be kept until the Matter of such Appeal shall be decided as aforesaid, or until the Time for prosecuting the same shall have expired, and if such Decision shall be in favour of the Appellant such Materials shall thereupon be returned to such Appellant.

No Persons other than those entitled under 5 & 6 Vict. c. 106. to use Nets, &c. on the Coast of Ireland.

V. And whereas under the Provisions of the said first-recited Act the Right to use Stake Weirs, Stake Nets, Bag Nets, and other fixed Nets in the Sea and Tide-ways along the Coast of *Ireland* is defined and declared, and certain Persons are therein mentioned and specified as the Persons entitled to exercise such Right as aforesaid; be it therefore enacted, That if any Person or Persons, other than

than the Persons entitled to exercise such Right as aforesaid under the Provisions of the said first-recited Act, shall erect, use, or fish with any Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance for placing or erecting Nets on any Parts of the Coast of *Ireland*, or in the Sea or Tide-ways adjoining the same, he or they shall for each Offence forfeit and pay a Sum not exceeding Ten Pounds, and such Weir, Net, or Contrivance shall also be forfeited, and ordered by the Magistrate before whom such Person or Persons may be convicted to be removed, at the Expence of the Offender, and the Materials thereof disposed of in like Manner as by said first-recited Act is directed in Cases of illegal Nets used, or legal Nets used illegally, for fishing. Penalty.

VI. And be it enacted, That if, after any such Order or Decision of the said Commissioners as is in this Act herein-before authorized to be made, unless and until the same shall be reversed on Appeal, any Person shall again erect or use any such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance, or any Part thereof, as aforesaid, in or adjoining or contiguous to any Place where it may have been ordered and decided by the said Commissioners that any such Weir, Net, or Contrivance, or any Part thereof, should be abated and removed, or if, contrary to the Provisions of the said first-recited Act, any Person shall erect, re-erect, or use any such Weir, Net, or Contrivance, or any Part thereof, after Conviction under the said Act of any Person for erecting, or under this Act for using or fishing with, any such Weir, Net, or Contrivance, or any Part thereof, in the same Place, or in, adjoining, or contiguous to the same, every such Person shall, in addition to the Penalties in and by the said Act or this Act prescribed, forfeit and pay a Sum not exceeding Twenty Pounds for every Day such Weir, Net, or Contrivance, or any Part thereof as aforesaid, shall remain so erected or used; and it shall be lawful to and for the said Commissioners, by Warrant under their Hands and Seals, from Time to Time and as often as any such Weir, Net, or Contrivance, or any Part thereof, as aforesaid, shall be so erected or used, to abate and remove the same. Persons re-erecting or using Weirs decided to be illegal subject to a Penalty for each Day the same may remain. 5 & 6 Vict. c. 106. s. 22.

VII. And be it enacted, That in all Cases of maliciously or wantonly injuring or destroying any Weir, Net, or other Contrivance legally erected or used for taking Fish, any Person injured by any such Offence, and intending to apply for Compensation for any Loss or Damage sustained thereby, on serving the like Notices, lodging the like Application, and taking like Proceedings (as nearly as the Nature of the Case will admit) as in and by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, are respectively required in Cases of Applications for Compensation for malicious Injuries under the said last-mentioned Act, shall be entitled to make Application at Presentment Sessions as in and by the said Act provided as to Cases of malicious Injuries; and such Application having been considered and dealt with at such Presentment Sessions in the Manner in the said Act directed with regard to Applications for Compensation for malicious Application to Presentment Sessions for Compensation for malicious Injury to legal Fishing Weirs. 6 & 7 W. 4. c. 116.

malicious Injuries, it shall and may be lawful for the Grand Jury of the County, County of a City, or County of a Town in or on the Shores or Boundary of which or adjacent whereto such Injury shall have been sustained, and such Grand Jury are hereby required, either to disallow such Application altogether, or present such Sum or Sums of Money as the Person or Persons so injured ought to receive for such Injury or Damage, to be levied off such County, or such Barony, Parish, District, Townland, or Sub-denomination thereof, as the Grand Jury shall direct: Provided always, that such Application and Presentment shall be subject and liable to the like Traverse and all other Proceedings, and be subject to the like Regulations and Provisions, as by the said Act of the Sixth and Seventh Years of King *William* the Fourth any Application or Presentment for Compensation for malicious Injuries is subject and liable to under the said Act, and as if such Regulations and Provisions were herein repeated.

Grand Jury to adjudicate.

Traverse.

VIII. And be it enacted, That in case such malicious Injury as aforesaid shall be committed on the Verge or within the Distance of One Mile of the Boundary of any Two or more Counties, the Person or Persons who shall sustain such Injury may apply for Compensation in the Manner herein-before directed in either or any one of such neighbouring Counties, and all Proceedings shall be taken thereupon as herein-before provided, and in and by the said Act of the Sixth and Seventh Years of King *William* the Fourth directed; and in case any Sum or Sums of Money shall be presented by the Grand Jury of the County where such Application shall be made, or shall be finally awarded by the Verdict of any Jury, as and for Compensation to the Person or Persons applying as aforesaid, the Judge at the Assizes of such County shall have Power and Authority to apportion the Amount of such Compensation amongst such neighbouring Counties, and to direct the Proportion of the same which shall be paid by such Counties respectively, and shall certify the same accordingly, and such Presentment shall thereupon be diminished or Presentment made according to the Proportion which the said Judge shall direct to be paid by such County; and the Grand Jury or Grand Juries of the said other neighbouring County or Counties respectively shall and they are hereby required, on the Production of the Certificate of such Judge declaring the Proportion to be paid by such County or Counties, to present such Proportion to be raised in the Manner mentioned in the said Act of the Sixth and Seventh Years of King *William* the Fourth, and paid to the Person so applying: Provided always, that no such Presentment as aforesaid shall be considered as conferring or confirming any Title in or upon the Party making such Application as aforesaid.

In case of Injury done on the Verge of Two or more Counties, the Amount may be apportioned thereon.

IX. And be it enacted, That in all Cases where the said Commissioners, under the Provisions of the said first-recited Act, have heretofore defined or may hereafter define the Mouth or Entrance into the Sea of any River, it shall and may be lawful for the said Commissioners, in addition to such Definition and Determination as aforesaid, to define and determine the Points of Termination of the respective Distances prescribed by the said first-recited Act, and to illustrate and show by a Map or Plan, or otherwise as they may consider best,

Commissioners to define Distances from Mouths of Rivers.

the said Points of Termination, and the Space or Spaces within which it is by the Provisions of the said first-recited Act prohibited to erect or use certain Fishing Weirs, Nets, or Engines, or to use or practise certain Modes of Fishing.

Additional Powers to enforce Observance of the weekly and other Close Times.

X. And whereas it is found expedient to give additional Powers to enforce the strict Observance of the weekly and other Close Times and Seasons in and by the said first-recited Act required to be observed and kept; be it therefore enacted, That it shall and may be lawful for all Officers and Men of the Navy or Coast Guard Service, and of the Constabulary, and for any Person appointed by or acting under the Authority of the said Commissioners, when and as often as they or any of them shall, in any Fishing Weir, Net, or Contrivance, during the weekly or other Close Time or Season (as fixed under the Provisions of the said first-recited Act), find any Passage shut, closed, or obstructed, or during such Close Time in any Place find any Net or other Contrivance placed or used where the same are now by Law or may hereafter be prohibited by the said Commissioners, in pursuance of the Powers in them vested, or shall at any Time find any Obstruction in the Queen's Share or free Gap through or over any Fishing or other Weir, or in the Sluice Passages appurtenant to any Mill or Factory at any Time when the Sluice Gate of same shall be open, then and so often to open such Passages and remove all such Obstructions, doing no unnecessary Damage, and to seize and remove all Nets or Parts of Nets which may be found so as aforesaid placed or used contrary to the Provisions of the said first-recited Act or this Act: Provided always, that nothing herein contained or done in pursuance of the same shall exempt any Person from the Penalties and Forfeitures in and by the said first-recited Act prescribed in respect to any of the Matters aforesaid; and provided also, that none of the Parties or Persons hereby authorized to open such Passages or remove such Nets or Obstructions shall be liable for any Damage caused by the opening of such Passages, or Removal of such Nets or Obstructions, unless the same shall be unnecessarily, wantonly, or maliciously done.

Size of the Meshes of the Nets.

XI. And whereas it has been found that the Size of the Meshes of Nets (not made of Wood, Iron, or other rigid Materials,) for the taking of Salmon and Trout in the Sea and Tideways, and the Size of the Meshes of all Nets to be used in the inland and fresh-water Portions of Rivers, as fixed and prescribed by said first-recited Act, is too large, and permits the Escape of great Quantities of valuable Fish, as well as diminishes the Value of much of the Fish that may be taken; be it therefore enacted, That so much of the said first-recited Act as fixes or prescribes the Size of the Meshes of any such Nets as aforesaid shall be and is hereby repealed, and that from and after the passing of this Act no Net, save as herein-after provided, for the taking of Salmon or Trout in the Sea, Estuaries, or Tideways, or for the taking of any Fish in the inland and fresh-water Portions of Rivers and Lakes, shall be used with a Mesh of less Size than One and three-quarter Inches from Knot to Knot, to be measured along the Side of the Square, or Seven Inches, to be measured all round each such Mesh, such Measurements being taken in the clear, when the Net is wet;

wet; and that if any Person shall use any Net contrary to this Provision, such Person shall be liable and subject to the Penalties and Forfeitures by said first-recited Act mentioned and prescribed in Cases of any Person using Nets with Meshes of less Size than the Size in the said Act prescribed and limited.

Commissioners may alter the Size of Meshes in certain Localities.

XII. Provided always, and be it enacted, That it shall and may be lawful for the said Commissioners, by any Bye Law to be made in accordance with the Provisions of said first-recited Act, and for such Time as to them shall seem fit, to alter, in and for any particular District or Locality, the Size of the Meshes of the Nets as herein prescribed, and to permit the Use of Meshes of such other Size in the said District or Locality as the said Commissioners shall prescribe; and all Parties using Nets with Meshes of a less Size in such District or Locality than such as shall be so permitted and prescribed by the said Commissioners shall be subject and liable to like Penalties and Forfeitures as by said first-recited Act mentioned and prescribed in Cases of any Person using Nets with Meshes of a less Size than the Size prescribed by said first-recited Act.

Stamp Duty in the Appointment of Water Bailiff.

XIII. And be it enacted, That the Appointment of each Water Bailiff under the Provisions of the said first-recited Act or this Act shall be subject to a Stamp Duty of Five Shillings, and to no higher Duty; any thing in any other Act or Acts to the contrary notwithstanding.

Power to prohibit the Use of Engines injurious to Fisheries.

XIV. And be it enacted, That it shall and may be lawful for the said Commissioners, from Time to Time, by any Bye Law made in pursuance of the Provisions of said first-recited Act (subject to such Penalties and Forfeitures as by the said first-recited Act they are empowered to impose for the Breach of any Bye Law), to prohibit the Use, at any Time or Season, of any Engine or Device for the Capture of Fish which, upon Inquiry had, the said Commissioners shall deem to be injurious to the Fisheries.

Commissioners may permit the Use of Trammel or other Nets during the Daytime.

XV. And be it enacted, That it shall and may be lawful for the said Commissioners (any thing in the said first-recited Act to the contrary notwithstanding) to make and ordain, in the Manner and under the Regulations in the said first-recited Act mentioned, any Bye Law authorizing the Use between Sunrise and Sunset of any Trammel or other Net on any Part of the Coasts of *Ireland*, or the Islands lying off the same, where such Trammel or other Nets may, in the Opinion of the said Commissioners, be used during the Daytime without Injury to the Fisheries.

Oyster Beds below lowest Water of Spring Tide not to be deemed private Property, unless held by

XVI. And be it enacted and declared, That nothing in the said first-recited Act shall be construed to protect, as an exclusive Right or private Property, any Oyster Bed or Oyster Fishery lying below the Level of the lowest Water of Spring Tides, or to subject any Person to be deemed guilty of or to be indicted for Larceny for taking Oysters from any such Oyster Bed or Fishery, unless such Oyster Bed or Fishery shall be legally possessed and enjoyed by some Person

Person by virtue of Charter, Grant, Patent, or Act of Parliament, in and by which such Oyster Bed or Fishery is specially granted, and the Limits thereof accurately described, or unless the same has been held and enjoyed by Prescription as an exclusive Right and private Property, within Limits clearly defined. Charter or Prescription.

XVII. And whereas the Cultivation and Improvement of the Oyster Fisheries may be greatly promoted by the Formation and Protection of artificial Oyster Beds or Layings of Oysters on the Shore, above the Level of the lowest Water of Spring Tides, and for this Purpose it is expedient to permit the Formation and Cultivation of such Oyster Beds, and to provide for the Protection of the same in such and the same Manner as by the said first-recited Act is provided for the making and Protection of Bait Beds; be it therefore enacted, That it shall and may be lawful for the Owner or Occupier of any Land bordering on the Sea, or any Estuary, with the Permission in Writing of the said Commissioners, or for any Person or Persons, with the Consent of such Owner or Occupier, and with the Permission in Writing of the said Commissioners, to form or plant any Oyster Bed or Laying on the Shore adjacent to such Lands, and between high and lowest Water Mark of Spring Tides, and it shall be lawful for the several Persons forming or planting any such Oyster Bed or Laying to hold the same as private Property, and to exercise an exclusive Control over the same, and such Oyster Beds shall be entitled to the like Protection as by said Act is provided in case of any other Oyster Beds or Layings being the exclusive Property of any Person: Provided always, that the forming and planting of such Oyster Beds as aforesaid shall not give any exclusive Right or Title to the Occupancy of the said Shore, except for the Purpose aforesaid, or to the Appropriation of any public Banks or Beds at present resorted to for Oysters, but that the Rights herein-before granted and conferred are to be considered as exclusively applying to Places where no such public Oyster Beds at present exist; saving to the Queen's most Excellent Majesty, and all the Subjects of this Realm, the free and full Exercise and Enjoyment of all other Rights of Fishing or other Rights whatsoever in or along the said Shore, subject to the Provisions herein and in said recited Acts or any of them contained. Power to make Oyster Beds.

XVIII. Provided also, and be it enacted, That if after the Formation and laying of such Oyster Beds as aforesaid any Person shall interfere with or take away any of the Oysters from such Bed, without the Consent of the Owners or Occupiers of such Bed, every Person so offending shall be deemed guilty of Larceny, and being convicted thereof shall be punished accordingly. Persons stealing from such Beds guilty of Larceny.

XIX. And be it enacted, That for the Purpose of replenishing and supplying such artificial Oyster Beds or Layings, or other Beds and Layings the exclusive Property of any Person or Persons, but for no other Purpose whatsoever, it shall and may be lawful for any Person to dredge for and take Oysters from any natural public Bed lying below the Level of the lowest Water of Spring Tides, during such Part only of the Close Season as now fixed or hereafter to Power to dredge during Part of Close Time for Oysters to supply Beds.

be fixed under the Provisions of said first-recited Act, as the said Commissioners shall upon Inquiry think fit to appoint for such Purpose, for or in any District or Place: Provided always, that if any Oysters dredged or taken during such Part of the Close Season shall be brought to Shore, or sold or offered for Sale, or be found in the Possession of any Person on Land, or be used for any other Purpose than the replenishing or supplying any such artificial or other Bed as aforesaid, every Person so offending shall forfeit all such Oysters, and be subject and liable to the same Penalties and Forfeitures as by said first-recited Act prescribed in Cases of Offences against the Provisions of the said first-recited Act for the Observance of the Close Season in respect to Oysters.

Commissioners to make Bye Laws for Improvement of Oyster Fisheries.

XX. And be it enacted, That it shall and may be lawful for the said Commissioners from Time to Time to make and ordain, in the Manner and with and under the Powers and Regulations in the said first-recited Act mentioned, such Bye Laws, Rules, and Regulations as to them the said Commissioners shall seem expedient, to prevent the Destruction or Removal from the natural Beds of small unsizeable Oysters, and to fix by any such Bye Laws, Rules, or Regulations the Size or Dimensions of the smallest Oysters which may be removed from such Beds, and to appoint such Means to be adopted in the dredging and culling of the Oysters on the Fishing Grounds as will secure the Return to the Sea of all Oysters of less Dimensions than those to be so fixed, and during any Part of the Close Time, or in Places where in pursuance of said second-recited Act dredging for Oysters shall be prohibited for a certain Period, to prohibit, if they shall so think fit, that any Boat shall have on board a Dredge or other Implements for the taking of Oysters, and to make such other Rules and Regulations as to them shall seem fit for the Increase, Improvement, and Protection of the Oyster Fisheries.

Proprietors of Oyster Beds may appoint Water Bailiffs.

XXI. And be it enacted, That it shall and may be lawful for any Proprietor or Tenant of any Oyster Bed or Laying, or for any associated Body of Persons interested in the Protection and Improvement of any Oyster Fishery, to appoint, in the same Manner and subject to the same Restrictions and Provisions as in and by the said first-recited Act and this Act are provided for the Appointment of Water Bailiffs, any Person or Persons to be a Water Bailiff or Water Bailiffs for the Protection of any such Oyster Fishery, and for the due Enforcement of the Provisions of the said recited Acts and this Act in respect of the same, and of the Bye Laws, Rules, and Regulations now or hereafter to be made by said Commissioners in relation thereto; and the Water Bailiffs so to be appointed shall have and may exercise and use all and every the same Powers and Authorities, and have the same Privileges as by the said recited Acts or this Act are vested in or given to the Water Bailiffs appointed or to be appointed thereunder, so far as the same may be necessary for the Purposes aforesaid.

Decisions and Judgments of Commis-

XXII. And be it enacted, That all Orders and Decisions, Judgments and Definitions, which shall be made, pronounced, or given by the said Commissioners under the Provisions of the said recited Acts

or

or this Act, shall be recorded in the Office of the said Commissioners, and a Copy of each such Order, Decision, Judgment, or Definition (as the Case may be) shall be deposited with the Clerk or Clerks of the Peace for the County or Counties to any Part of which, or the Sea bordering on which or any Part of which, the same shall relate or apply; and in all Cases where it shall hereafter become necessary to prove any such Order, Decision, Judgment, or Definition in any Court of Law or Justice, or elsewhere, a Copy obtained from the Office of any Clerk of the Peace with whom the same may be lodged, and certified by him to be a true Copy thereof, shall be received and taken as full and sufficient Evidence of the Existence of any such Order, Decision, Judgment, or Definition; and any such Order or Decision, Judgment or Definition, shall not be quashed, set aside, or adjudged void or insufficient for Want of Form only, and shall not be liable to be removed by Certiorari or otherwise into Her Majesty's Court of Queen's Bench, or any other of Her Majesty's Courts of Record in *Dublin*.

sioners to be recorded, and Copies to be Evidence.

XXIII. And be it enacted, That the several Penalties, Forfeitures, and Expences directed or empowered to be imposed, levied, recovered, or enforced under the Provisions of the said recited Act of the Seventh and Eighth Years of the Reign of Her present Majesty or this Act, or by any Bye Law, Rule, or Regulation made or to be made by the said Commissioners in pursuance of the said recited Acts or this Act, may be recovered, levied, enforced, and applied in like Manner and by such Ways and Means as are provided by the said first-recited Act of the Fifth and Sixth Years of the Reign of Her present Majesty as to the Penalties, Forfeitures, and Expences imposed or provided thereby.

Penalties and Forfeitures to be recovered and applied as directed by 5 & 6 Vict. c. 106.

XXIV. And be it enacted, That the said Commissioners shall, as to all Matters and Things done or to be done under the Provisions of the said Act of the Seventh and Eighth Years of Her Majesty, or this Act, have, use, and exercise the like Powers and Authorities and have the like Privileges as are by the said first-recited Act of the Fifth and Sixth Years of Her Majesty vested in or given to the Commissioners of Public Works, or any of them, under the said first-recited Act.

Commissioners to have same Powers, Authorities, and Privileges under this Act as under 5 & 6 Vict. c. 106.

XXV. And be it enacted, That the said herein-recited Acts of the Fifth and Sixth Years of Her Majesty's Reign and of the Seventh and Eighth Years of Her Majesty's Reign shall continue and be in full Force and Effect, save and except so far as the same are or either of them is altered by or inconsistent with any of the Provisions of this Act, and that the said Acts and this Act shall be construed together as One Act; and that in the Construction of this Act, except where the Nature of the Provisions or the Context of this Act shall exclude such Construction, the Words "Net," "Salmon," "Vessel," "River," "Person," "Proprietor," "County," and "Estuary," shall be construed to have the Meaning and extend and be applied as in the said first herein-recited Act is directed and provided; and the Words "said Commissioners," in the said recited Acts or this Act, shall be construed and mean and extend and be applied to the Commis-

Interpretation of Words in this Act.

Commissioners of Public Works for the Time being and any Commissioner to be appointed under this Act, or any One or more of them; and the Expression "Judge of Assize" shall, as to Cases arising in the County of *Dublin* or County of the City of *Dublin*, mean and include a Judge of any of Her Majesty's Superior Law Courts of Record in *Dublin* at Nisi Prius at the Sittings next after the pronouncing of any Order or Decision appealed from, or if such Sittings shall commence within Twenty-one Days after the pronouncing of any such Order or Decision, then at the Sittings next but one from the pronouncing of such Order or Decision; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Words "Close Time" or "Close Season" shall, when used in the said Acts or this Act, be construed to mean the Time or Season within which it is or may be prohibited to fish for, take, or destroy, by certain specified Means, or by any Means whatsoever, as the Case may be, any of the particular Kinds of Fish prohibited to be fished for or taken by such specified Means, or by any Means, as the Case may be, during such Time or Season.

"Salmon" to include Pollen or Fresh-water Herring.

XXVI. And be it enacted, That the Word "Salmon" in the said recited Acts and this Act shall also mean and be construed to extend to and include the Fish called Pollen or Fresh-water Herring, and the Fry and Spawn thereof; and all the Provisions of the said recited Acts and this Act for the Protection and Regulation of the Salmon Fisheries shall extend to and include such Pollen, save and except that the Close Season for said Pollen shall be the same as that fixed by said first-recited Act for Trout, unless such Close Season for Pollen shall be altered by the said Commissioners in pursuance of the Powers vested in them for altering the Close Time of any District, Lake, or River; and during the open fishing Time for such Pollen it shall be lawful that the same may be fished for or taken by such Nets or other Means as the said Commissioners shall authorize, sanction, or direct.

Alteration of Act.

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

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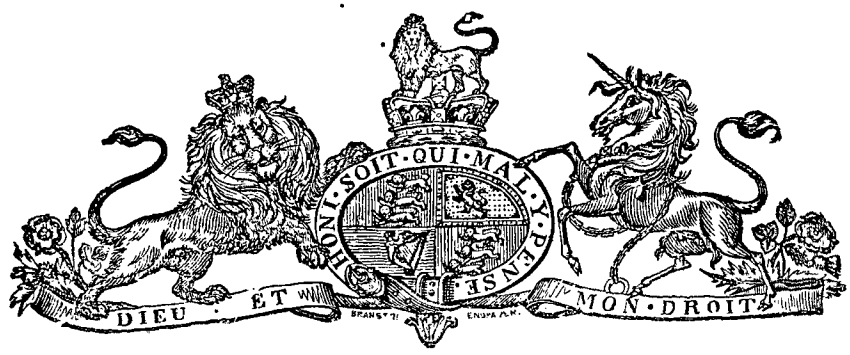

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all Places where Houses, Alleys, Plays, or Places of Dicing, Carding, or Gaming shall be suspected to be had, kept, and maintained, shall be repealed, and also so much of the said Act as makes it lawful for every Master to license his or their Servants, and for every Nobleman and other having Manors, Lands, Tenements, or other yearly Profits for Term of Life, in his own Right or in his Wife's Right, to the yearly Value of an Hundred Pounds or above, to command, appoint, or license, by his or their Discretion, his or their Servants or Family of his or their House or Houses to play at Cards, Dice, or Tables, or any unlawful Game, as therein more fully set forth, shall be repealed; and that no such Commandment, Appointment, or Licence shall avail any Person to exempt him from the Danger or Penalty of playing at any unlawful Game or in any common Gaming House.

What shall be sufficient Evidence that a House is a common Gaming House.

II. And whereas Doubts have arisen whether certain Houses, alleged or reputed to be opened for the Use of the Subscribers only, or not open to all Persons desirous of using the same, are to be deemed common Gaming Houses; be it declared and enacted, That, in default of other Evidence proving any House or Place to be a common Gaming House, it shall be sufficient, in support of the Allegation in any Indictment or Information that any House or Place is a common Gaming House, to prove that such House or Place is kept or used for playing therein at any unlawful Game, and that a Bank is kept there by One or more of the Players exclusively of the others, or that the Chances of any Game played therein are not alike favourable to all the Players, including among the Players the Banker or other Person by whom the Game is managed, or against whom the other Players stake, play, or bet; and every such House or Place shall be deemed a common Gaming House such as is contrary to Law and forbidden to be kept by the said Act of King *Henry* the Eighth, and by all other Acts containing any Provision against unlawful Games or Gaming Houses.

Power of Justices may be exercised under Warrant.

III. And be it enacted, That in every Case (except within the Metropolitan Police District) in which the Justices of Peace in every Shire, and Mayors, Sheriffs, Bailiffs, and other head Officers within every City, Town, and Borough, within this Realm, now have by Law Authority to enter into any House, Room, or Place where unlawful Games shall be suspected to be holden, it shall be lawful for any Justice of the Peace, upon Complaint made before him on Oath that there is Reason to suspect any House, Room, or Place to be kept or used as a common Gaming House, to give Authority, by special Warrant under his Hand, when in his Discretion he shall think fit, to any Constable, to enter, with such Assistance as may be found necessary, into such House, Room, or Place, in like Manner as might have been done by such Justices, Mayors, Sheriffs, Bailiffs, or other head Officers, and, if necessary, to use Force for making such Entry, whether by breaking open Doors or otherwise, and to arrest, search, and bring before a Justice of Peace all such Persons found therein as might have been arrested therein by such Justice of Peace had he been personally present; and all such Persons shall be dealt with according to Law, as if they had been arrested in such House, Room, or Place by the Justice before whom they shall be so brought; and any

any such Warrant may be in the Form given in the First Schedule annexed to this Act.

Penalties on Gaming House Keepers, &c.

IV. And be it enacted, That the Owner or Keeper of any common Gaming House, and every Person having the Care or Management thereof, and also every Banker, Croupier, and other Person who shall act in any Manner in conducting the Business of any common Gaming House, shall, on Conviction thereof, by his own Confession, or by the Oath of One or more credible Witnesses, before any Two Justices of the Peace, beside any Penalty or Punishment to which he may be liable under the Provisions of the said Act of King *Henry* the Eighth, be liable to forfeit and pay such Penalty, not more than One hundred Pounds, as shall be adjudged by the Justices before whom he shall be convicted, or, in the Discretion of the Justices before whom he shall be convicted, may be committed to the House of Correction, with or without hard Labour, for any Time not more than Six Calendar Months; and on Nonpayment of any Penalty so adjudged, and of the reasonable Costs and Charges attending the Conviction, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of One of the convicting Justices: Provided always, that nothing herein contained shall prevent any Proceeding by Indictment against the Owner or Keeper or other Person having the Care or Management of a common Gaming House; but no Person who shall have been summarily convicted of any such Offence shall be liable to be proceeded against by Indictment for the same Offence.

Proof of Gaming for Money, &c. not necessary in support of Informations for Gaming.

V. And be it enacted, That it shall not be necessary, in support of any Information for Gaming in, or suffering any Games or Gaming in, or for keeping or using, or being concerned in the Management or Conduct of a common Gaming House, to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake.

Commissioners of Police may authorize Superintendent and Constables to enter Gaming Houses and seize all Instruments of Gaming and take into Custody all Persons found therein.

VI. And be it enacted, That if any Superintendent belonging to the Metropolitan Police Force shall report in Writing to the Commissioners of Police of the Metropolis that there are good Grounds for believing, and that he does believe, that any House, Room, or Place within the Metropolitan Police District is kept or used as a common Gaming House, it shall be lawful for either of the said Commissioners, by Order in Writing, to authorize the Superintendent to enter any such House, Room, or Place, with such Constables as shall be directed by the Commissioner to accompany him, and, if necessary, to use Force for the Purpose of effecting such Entry, whether by breaking open Doors or otherwise, and to take into Custody all Persons who shall be found therein, and to seize all Tables and Instruments of Gaming found in such House or Premises, and also to seize all Monies and Securities for Money found therein.

Police Superintendent may search for Instruments of Gaming.

VII. And be it enacted, That it shall be lawful for the Police Superintendent making such Entry as aforesaid in obedience to any such Order of One of the Commissioners of Police of the Metropolis, with the Assistance of any Constable or Constables accompanying

ing him, to search all Parts of the House, Room, or Place which he shall have so entered where he shall suspect that Tables or Instruments of Gaming are concealed, and all Persons whom he shall find therein; and to seize all Tables and Instruments of Gaming which he shall so find.

What shall be deemed Evidence of Gaming.

VIII. And be it enacted, That where any Cards, Dice, Balls, Counters, Tables, or other Instruments of Gaming used in playing any unlawful Game shall be found in any House, Room, or Place suspected to be used as a common Gaming House, and entered under a Warrant or Order issued under the Provisions of this Act, or about the Person of any of those who shall be found therein, it shall be Evidence, until the contrary be made to appear, that such House, Room, or Place is used as a common Gaming House, and that the Persons found in the Room or Place where such Tables or Instruments of Gaming shall have been found were playing therein, although no Play was actually going on in the Presence of the Superintendent or Constable entering the same, under a Warrant or Order issued under the Provisions of this Act, or in the Presence of those Persons by whom he shall be accompanied as aforesaid; and it shall be lawful for the Police Magistrate or Justices before whom any Person shall be taken by virtue of the Warrant or Order to direct all such Tables and Instruments of Gaming to be forthwith destroyed.

Indemnity of Witnesses.

IX. And for the more effectual Prosecution of the Keepers of common Gaming Houses, be it enacted, That every Person who shall have been concerned in any unlawful Gaming, and who shall be examined as a Witness by or before any Police Magistrate or Justice of the Peace, or on the Trial of any Indictment or Information against the Owner or Keeper or other Person having the Care or Management of any common Gaming House, touching such unlawful Gaming, and who upon such Examination shall make true and faithful Discovery to the best of his or her Knowledge of all things as to which he or she shall be so examined, and shall thereupon receive from the Magistrate or Justice of the Peace or Judge of the Court by or before whom he or she shall be so examined a Certificate in Writing to that Effect, shall be freed from all Criminal Prosecutions, and from all Forfeitures, Punishments, and Disabilities, to which he or she may have become liable for any thing done before that Time in respect of such unlawful Gaming.

Justices may grant Billiard Licences at Licensing Sessions.

X. And be it enacted, That the Justices in every Division, District, and Place in *England* for which a Special Session of the Justices of the Peace (called the General Annual Licensing Meeting) is holden annually for granting Licences to Persons keeping or being about to keep Inns, Alehouses, and Victualling Houses to sell exciseable Liquors by Retail, to be drunk or consumed on the Premises therein specified, shall have Authority at such General Annual Licensing Meeting, or at any Adjournment thereof, to grant Billiard Licences to such Persons as the said Justices shall in their Discretion deem fit and proper to keep public Billiard Tables and Bagatelle Boards, or Instruments used in any Game of the like Kind, and at the Special

Sessions holden for transferring Licenses to keep Inns shall have Authority to transfer such Billiard Licences to such other Persons as they in their Discretion shall deem fit and proper to continue to hold the same, and who in each Case shall be required to give the like Notice of their Intention to apply for such Billiard Licence, and entitled to receive the like Notice of the Licensing Days as is required in the Case of Persons intending to apply for a Licence or the Transfer of a Licence to sell exciseable Liquors by Retail to be drunk or consumed on the Premises, or as near thereto as the Case will allow; and every such Billiard Licence shall be in the Form given in the Third Schedule annexed to this Act, and shall continue in force in the Counties of *Middlesex* and *Surrey* from the Fifth Day of *April*, and elsewhere from the Tenth Day of *October*, after the granting thereof, for One whole Year thence respectively next ensuing, and no longer; and the Clerk of the Justices shall be entitled to demand and receive from every Person licensed under this Act, for the Petty Constable or other Peace Officer, for serving Notices and other Services required of him, the Sum of One Shilling, and for the Clerk of the Justices, for the Licence, the Sum of Five Shillings; and every Clerk who shall demand or receive from any Person for such Fees more than the said Sums, being together Six Shillings, shall for every such Offence, on Conviction before One Justice, forfeit and pay the Sum of Five Pounds.

Places kept for public Billiard Tables to be licensed.

XI. And be it enacted, That after the Fifth Day of *April* in the Year One thousand eight hundred and forty-six, in the Counties of *Middlesex* and *Surrey*, and elsewhere after the Tenth Day of *October* next after the passing of this Act, every House, Room, or Place kept for public Billiard Playing, or where a public Billiard Table or Bagatelle Board, or Instrument used in any Game of the like Kind, is kept, at which Persons are admitted to play, except in Houses or Premises specified in any Licence granted under an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in* England, herein-after called a Victualler's Licence, shall be licensed under this Act; and after the said Fifth Day of *April* in *Middlesex* and *Surrey*, and elsewhere after the said Tenth Day of *October*, every Person keeping any such public Billiard Table or Bagatelle Board, or Instrument used in any Game of the like Kind for public Use, without being duly licensed so to do, and not holding a Victualler's Licence for the House or Premises where such Billiard Table, Bagatelle Board, or other Instrument as aforesaid is kept or used, and also every Person licensed under this Act who shall not during the Continuance of such Billiard Licence put and keep up the Words "Licensed for Billiards," legibly printed in some conspicuous Place near the Door and on the Outside of the House specified in the Licence, shall be liable to be proceeded against as the Keeper of a common Gaming House, and, beside any Penalty or Punishment to which he may be liable if convicted of keeping a common Gaming House, shall, on Conviction of keeping such unlicensed Billiard Table, Bagatelle Board, or other Instrument as aforesaid, by his own Confession, or by the Oath of One or more credible Witnesses before any

9 G. 4. c. 61.

Notice that such Places are licensed for Billiards to be put up.

any Police Magistrate or any Two Justices of the Peace, be liable to pay such Penalty, not more than Ten Pounds for every Day on which such Billiard Table, Bagatelle Board, or Instrument as aforesaid shall be used, as shall be adjudged by the Magistrate or Justices before whom he shall be convicted, or, in the Discretion of the Magistrate or Justices, may be committed to the House of Correction with or without hard Labour, for any Time not more than One Calendar Month; and on Nonpayment of any Penalty so adjudged, and of the reasonable Costs and Charges of the Conviction, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of the Magistrate or One of the convicting Justices; but no Person who shall have been summarily convicted of any such Offence shall be liable to be further proceeded against by Indictment for the same Offence.

Penalties for Offences against Tenor of Licences.

XII. And be it enacted, That every Person licensed under this Act who shall be convicted before a Police Magistrate or Two Justices acting in and for the Division or Place in which shall be situated the House kept or theretofore kept by such Person of any Offence against the Tenor of the Licence to him granted, shall be liable to the same Penalties and Punishments in the Case of a First, Second, or Third Offence respectively to which Persons licensed under an Act passed in the Ninth Year of the Reign of King *George* the Fourth, 9 G. 4. c. 61. intituled *An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in* England, are respectively liable on Conviction of a First, Second, or Third Offence against the Tenor of the Licence granted to them under the last-recited Act, or as near thereunto as the Nature of the Case will allow; and all the Provisions of the last-recited Act with respect to Convictions and Penalties for Offences against the last-recited Act, and the Proceedings for enforcing the same, and to the Expences of Prosecution and Penalties on Witnesses for not attending, and the Recovery and Application of Penalties, and the Proceedings on Appeals against Convictions, and the Award of Costs on Appeals, and in Actions against Justices, Constables, or other Persons for any thing done in execution of the last-recited Act, shall be deemed to apply, so far as they are applicable, to Convictions for Offences against the Tenor of the Licences granted under this Act, and to the Proceedings consequent thereupon or connected therewith, as if they were herein re-enacted.

When Billiard Playing shall not be allowed.

XIII. And be it enacted, That every Person keeping any public Billiard Table or Bagatelle Board, or Instrument used in any Game of the like Kind, whether he be the Holder of a Victualler's Licence or licensed under this Act, who shall allow any Person to play at such Table, Board, or Instrument after One and before Eight of the Clock in the Morning of any Day, or at any Time on *Sundays*, *Christmas Day*, or *Good Friday*, or any Day appointed to be kept as a Public Fast or Thanksgiving; and every Person holding a Victualler's Licence who shall allow any Person to play at such Table, Board, or Instrument kept on the Premises specified in such Victualler's Licence at any Time when such Premises are not by Law allowed to be open for the Sale of Wine, Spirits, or Beer, or other fermented

or

or distilled Liquors, shall be liable to the Penalties herein provided in the Case of Persons keeping such public Billiard Table, Bagatelle Board, or Instrument as aforesaid for public Use without Licence; and during those Times when Play at such Table, Board, or Instrument is not allowed by this Act every House licensed under this Act, and every Billiard Room in every House specified in any Victualler's Licence, shall be closed, and the keeping of the same open, or allowing any Person to play therein or thereat, at any of the Times or on any of the Days during which such Play is not allowed by this Act, shall be deemed in each Case an Offence against the Tenor of the Licence of the Person so offending.

Empowering Constables to visit licensed Houses.

XIV. And be it enacted, That it shall be lawful for all Constables and Officers of Police to enter into any House, Room, or Place where any public Table or Board is kept for playing at Billiards, Bagatelle, or any Game of the like Kind, when and so often as such Constables and Officers shall think proper; and every Person licensed under the said Act of the Ninth Year of the Reign of King *George* the Fourth, or under this Act, who shall refuse to admit or who shall not admit any such Constable or Officer of Police into such House, Room, or Place shall, on Conviction thereof before a Police Magistrate or any Two Justices of the Peace, be deemed guilty of an Offence against the Tenor of his Licence, whether the same be a Billiard Licence or a Victualler's Licence, and in the Case of a First, Second, Third, or subsequent Offence shall be punished accordingly.

Repeal of 16 C. 2. c. 7. 10 W. 3. (I.) 9 Anne, c. 14. 11 Anne. (I.) 5 & 6 W. 4. c. 41. and Part of 18 G. 2. c. 34.

XV. And be it enacted, That an Act passed in the Sixteenth Year of the Reign of King *Charles* the Second, and an Act passed by the Parliament of *Ireland* in the Tenth Year of the Reign of King *William* the Third, each of such Acts being intituled *An Act against deceitful, disorderly, and excessive Gaming*, and so much of an Act passed in the Ninth Year of the Reign of Queen *Anne*, and of an Act passed by the Parliament of *Ireland* in the Eleventh Year of the same Reign, each of such Acts being intituled *An Act for the better preventing of excessive and deceitful Gaming*, as was not altered by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and certain other illegal Transactions*, and so much of an Act passed in the Eighteenth Year of the Reign of King *George* the Second, intituled *An Act to explain, amend, and make more effectual the Laws in being to prevent excessive and deceitful Gaming, and to restrain and prevent the excessive Increase of Horse Races*, as relates to the first-recited Act of Queen *Anne*, or as renders any Person liable to be indicted and punished for winning or losing, at Play or by Betting, at any One Time, the Sum or Value of Ten Pounds, or within the Space of Twenty-four Hours the Sum or Value of Twenty Pounds, shall be repealed, except as to any Penalties incurred on or before the Fifth Day of *March* in the Year One thousand eight hundred and forty-four, for recovering which any Suit shall have been commenced before the said Fifth Day of *March*, and the Proceedings for Recovery and Application of the same.

XVI. And

Pending Actions and Informations to be discontinued.

XVI. And be it enacted, That after the passing of this Act it shall be lawful for any Person or Persons against whom any Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, for the Recovery of any pecuniary Penalty or Penalties incurred on or before the Day of the passing of this Act, under the Provisions of any Act herein-before amended or repealed, to apply to the Court in which such Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, or to any Judge of any of the Superior Courts at *Westminster*, for an Order that such Action, Bill, Plaint, or Information shall be discontinued, upon Payment of the Costs thereof which were incurred on or before the Fifth Day of *March* in the Year One thousand eight hundred and forty-four, such Costs to be taxed according to the Form of such Court; and every such Court or Judge, upon such Application, shall make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Action, Bill, Plaint, or Information shall be forthwith discontinued.

Cheating at Play to be punished as obtaining Money by false Pretences.

XVII. And be it enacted, That every Person who shall, by any Fraud or unlawful Device or ill Practice in playing at or with Cards, Dice, Tables, or other Game, or in bearing a Part in the Stakes, Wagers, or Adventures, or in betting on the Sides or Hands of them that do play, or in wagering on the Event of any Game, Sport, Pastime, or Exercise, win from any other Person to himself, or any other or others, any Sum of Money or valuable Thing, shall be deemed guilty of obtaining such Money or valuable Thing from such other Person by a false Pretence, with Intent to cheat or defraud such Person of the same, and, being convicted thereof, shall be punished accordingly.

Wagers not recoverable at Law.

XVIII. And be it enacted, That all Contracts or Agreements, whether by Parole or in Writing, by way of gaming or wagering, shall be null and void; and that no Suit shall be brought or maintained in any Court of Law or Equity for recovering any Sum of Money or valuable Thing alleged to be won upon any Wager, or which shall have been deposited in the Hands of any Person to abide the Event on which any Wager shall have been made: Provided always, that this Enactment shall not be deemed to apply to any Subscription or Contribution, or Agreement to subscribe or contribute, for or toward any Plate, Prize, or Sum of Money to be awarded to the Winner or Winners of any lawful Game, Sport, Pastime, or Exercise.

Proceedings under feigned Issues abolished.

XIX. And whereas many important Questions are now tried in the Form of feigned Issues, by stating that a Wager was laid between Two Parties interested in respectively maintaining the Affirmative and the Negative of certain Propositions; but such Questions may be as satisfactorily tried without such Form; be it therefore enacted, That in every Case where any Court of Law or Equity may desire to have any Question of Fact decided by a Jury it shall be lawful for such Court to direct a Writ of Summons to be sued out, by such Person or Persons as such Court shall think ought to be Plaintiff or Plaintiffs, against such Person or Persons as such Court shall think

ought to be Defendant or Defendants therein, in the Form set forth in the Second Schedule to this Act annexed, with such Alterations or Additions as such Court may think proper; and thereupon all the Proceedings shall go on and be brought to a close in the same Manner as is now practised in Proceedings under a feigned Issue.

Appeal to Quarter Sessions.

XX. And be it enacted, That any Person who shall be summarily convicted under this Act may appeal to the next General or Quarter Session of the Peace to be holden for the County or Place wherein the Cause of Complaint shall have arisen, provided that such Person at the Time of the Conviction, or within Forty-eight Hours thereafter, shall enter into a Recognizance, with Two sufficient Securities, conditioned personally to appear at the said Session to try such Appeal, and to abide the further Judgment of the Court at such Session, and to pay such Costs as shall be by the last-mentioned Court awarded; and it shall be lawful for the Magistrate or Justices by whom such Conviction shall have been made to bind over the Witnesses who shall have been examined in sufficient Recognizances to attend and be examined at the hearing of such Appeal; and that every such Witness, on producing a Certificate of being so bound, under the Hand of the said Magistrate or Justices, shall be allowed Compensation for his or her Time, Trouble, and Expences in attending the Appeal, which Compensation shall be paid in the first instance by the Treasurer of the County or Place, in like Manner as in Cases of Misdemeanor, under the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in* England, and in case the Appeal shall be dismissed, and the Order or Conviction affirmed, the reasonable Expences of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the said Treasurer by the Appellant. 7 G. 4. c. 64.

Distress not unlawful for Want of Form.

XXI. And be it enacted, That when any Distress shall be made for any Money to be levied by virtue of the Warrant of any Justice under this Act, the Distress shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Warrant of Apprehension, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser from the Beginning on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action on the Case in any of Her Majesty's Courts of Record.

Plaintiff not to recover after Tender of Amends.

XXII. And be it enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Authority hereby given, if Tender of sufficient Amends shall have been made, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by

Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit; whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Limitation of Actions.

XXIII. And be it enacted, That no Action, Suit, or Information, or any other Proceeding, of what Nature soever, shall be brought against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Authorities under this Act, unless Notice in Writing shall be given by the Party intending to prosecute such Suit, Information, or other Proceeding, to the intended Defendant, One Calendar Month at least before prosecuting the same, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Act or Omission complained of, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing such Damage shall have ceased.

Construction of Terms.

XXIV. And be it enacted, That in *Ireland* the Term "Metropolitan Police Force," and the Terms "Commissioners of the Police of the Metropolis," and the Terms "Metropolitan Police District," shall mean and include respectively the *Dublin* Metropolitan Police Force, the Commissioners of Police of *Dublin* Metropolis, and the Police District of *Dublin* Metropolis.

Conviction, &c. not to be quashed for Informality, &c.

XXV. And be it enacted, That no Information, Conviction, or other Proceeding before or by any Justice or Justices under this Act shall be quashed or set aside, or adjudged void or insufficient, for Want of Form, or be removed by Certiorari into Her Majesty's Court of Queen's Bench.

Act may be repealed, &c.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

The FIRST SCHEDULE to which the foregoing Act refers.

Form of Warrant.

County of } To the Constable

WHEREAS it appears to me, *J. P.*, One of the Justices of our Lady the Queen, assigned to keep the Peace in the said County, by the Information on Oath of *A. B.* of in the County of , Yeoman, that the House [Room *or* Place] known as [*here insert a Description of the House, Room, or Place by which it may be readily known and found*], is kept and used as a common Gaming House within the Meaning of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*]:

This is, therefore, in the Name of our Lady the Queen, to require you, with such Assistants as you may find necessary, to enter into the said House [Room *or* Place], and, if necessary, to use Force for making such Entry, whether by breaking open Doors or otherwise, and there diligently to search for all Instruments of unlawful Gaming which may be therein, and to arrest, search, and bring before me, or some other of the Justices of our Lady the Queen assigned to keep the Peace within the County of as well the Keepers of the same as also the Persons there haunting, resorting, and playing, to be dealt with according to Law; and for so doing this shall be your Warrant.

J. P. (L. S.)

Given under my Hand and Seal at in the County of this Day of in the Year of the Reign of .

The SECOND SCHEDULE to which the foregoing Act refers.

In the Court of Queen's Bench [Common Pleas, *or* Exchequer, *or in any inferior Court, as the Case may be*].

Middlesex, to wit, [*or such other County as may be directed.*]

WHEREAS *A. B.* affirms, and *C. D.* denies [*here state fully the Fact or Facts in issue*] and the Lord Chancellor [*or such other Court, &c.*] is desirous of ascertaining the Truth by the Verdict of a Jury, and both Parties pray that the same may be inquired of by the Country. Now let a Jury, *&c.*

The

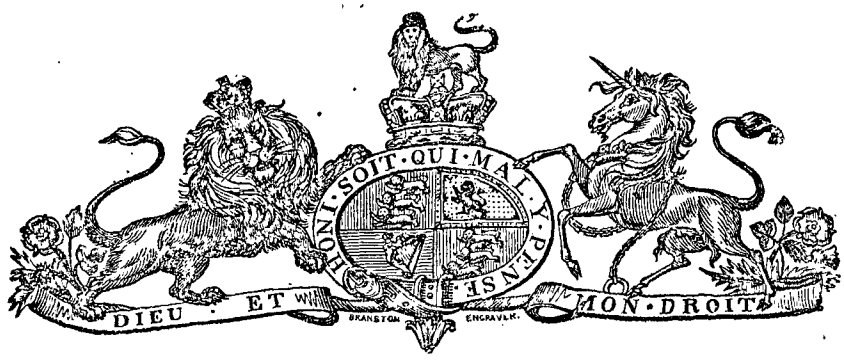
The THIRD SCHEDULE to which the foregoing Act refers.

Form of Licence.

At the General Licensing Annual Meeting [*or* an Adjournment of the General Annual Licensing Meeting, *or* at a Special Petty Session] of Her Majesty's Justices of the Peace acting for the Division [*or* Liberty, *&c., as the Case may be*], of in the County of holden at on the Day of in the Year for the Purpose of granting Billiard Licences, we being of Her Majesty's Justices of the Peace acting for the said County [*or* Liberty, *&c., as the Case may be,*] and being the Majority of those assembled at the said Session, do hereby authorize and empower *A.L.* now dwelling at in the Parish of to keep a House for public Billiard playing at [*here specify the House*], provided that he [*or* she] put and keep up the Words "Licensed for Billiards" legibly printed in some conspicuous Place near the Door and on the Outside of the said House, and do not wilfully or knowingly permit Drunkenness or other disorderly Conduct in the said House, and do not knowingly allow the Consumption of exciseable Liquors therein by the Persons resorting thereto, and do not knowingly suffer any unlawful Games therein, and do not knowingly suffer Persons of notoriously bad Character to assemble and meet together therein, and do not open the said House for Play or allow any Play therein after One and before Eight of the Clock in the Morning, or keep it open or allow any Play therein on Sundays, Christmas Day, or Good Friday, or on any Day appointed for a public Fast or Thanksgiving, but do maintain good Order and Rule therein: And this Licence shall continue in force from the Day of next, until the Day of then next following, and no longer.

Given under our Hands and Seals on the Day and at the Place first written.

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CX.

An Act for the better collecting Borough and Watch Rates in certain Places. [8th *August* 1845.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, Authority was given to the Councils of Boroughs in certain Cases to levy Borough Rates, and also Watch Rates, for the Purposes of the said Act: And whereas the Powers and Directions given by the said Act, and certain other Acts relating thereto, for the levying, assessing, and collecting such Borough Rates and Watch Rates, are found to be insufficient for that Purpose: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which any Parish or Place liable to support its own Poor, or any extra-parochial Place, shall lie partly within and partly without any such Borough, and the Council of such Borough hath appointed or hereafter shall appoint One or more Persons to act as Overseer or Overseers within that Part of such Parish or Place, or those Parts of such Parishes or Places, which is or are within the same Borough, for making, levying, and collecting Borough Rates or Watch Rates made or hereafter to be made therein, the Person or Persons so appointed shall be empowered to levy and raise, by an equal Rate or Assessment upon all the Property within each of the Parts of Parishes or Places respectively for which he or they shall be so appointed, which, if such Part were

5 & 6 W. 4. c. 76.

Overseers for Parts of Parishes and Places within Boroughs to raise District Rates.

a Parish maintaining its own Poor, would be rateable to the Relief of the Poor, such Sums of Money as shall be required in order to raise the several Sums assessed upon such Parts of Parishes or Places respectively, or to reimburse such Person or Persons as aforesaid such Sums of Money as he or they shall have paid for any Borough Rate or Watch Rate made or hereafter to be made by the Council of the Borough wherein such Part of a Parish or Place, or Parts of Parishes and Places, respectively, shall be situated; such Rate or Assessment, or respective Rates or Assessments, to be paid by the Occupier or Occupiers for the Time being of such rateable Property as aforesaid; and that the Person or Persons so appointed or to be appointed to act as such Overseer or Overseers for the Purposes aforesaid shall have and exercise, in and for the Purpose of making, levying, and collecting every such Rate or Assessment as aforesaid, all the Powers which by the Laws now or hereafter to be in force Overseers of the Poor have or may have for making, assessing, collecting, and recovering Rates for the Relief of the Poor within their several Parishes; and every such Rate or Assessment made or to be made by any Person or Persons appointed or to be appointed to act as Overseer or Overseers of the Part of any Parish or Place within any such Borough shall, for the Purposes of this Act, be called a District Rate.

District Rates to be allowed and published.

II. And be it enacted, That no such District Rate, nor any separate Rate made by Overseers of the Poor for raising a Watch Rate as herein-after is mentioned, shall be demanded, collected, or payable, until the same shall have been allowed by Two or more Justices of the Peace usually acting in and for such Borough, and shall also have been published in like Manner as Rates for Relief of the Poor are by Law required to be allowed and published.

Persons aggrieved may appeal.

III. Provided always, and be it enacted, That any Person who shall think himself aggrieved by any such District Rate as aforesaid, or by any separate Rate to be made by any Overseers of the Poor for raising a Watch Rate as herein-after is mentioned, may appeal to the Recorder of the Borough in which such Rate has been made, at the next Quarter Session for the same Borough, or, in case there shall be no Recorder in such Borough, to the Justices at the next Court of Quarter Sessions for the County within which such Borough is situated, or whereunto it is adjacent; and such Recorder or Justices respectively shall hear and determine the same, and shall award Relief in the Premises as in the Case of an Appeal against any Rate made for the Relief of the Poor.

District Rates to be sufficient to raise the Amount required.

IV. And be it enacted, That every such District Rate as aforesaid made for the Purpose of raising Money to pay or reimburse any Borough Rate or Watch Rate charged by the Council of the Borough upon such Part of a Parish or Place, and every separate Rate to be made by Overseers of the Poor for raising a Watch Rate as herein-after mentioned, may be at such Amount or Rate in the Pound as may be necessary for raising the Sum or respective Sums so charged by such Council, so that no such District Rate, or Rate for raising a Watch Rate, exceed Two-pence in the Pound of

the annual Value of Property rateable thereunto, beyond the Rate in the Pound at which the Council of the same Borough shall have computed the general Borough Rate or Watch Rate so laid or charged by them; and that the Person or Persons collecting such District Rate shall be liable to account as an Officer appointed by the Council of the Borough in or for any Part of which he shall act, and shall be liable to the same Penalties, Remedies, and Proceedings in all respects, for refusing or neglecting to account and pay over the Monies from Time to Time remaining in his Hands, to which other Officers appointed by the Council are liable; and in case of there being a Surplus in the Hands of such Person or Persons arising from any District Rate, above the Amount for raising which such District Rate was made, then such Surplus shall be paid to the Treasurer of the Borough Fund, to the Credit of the Place within and for which such District Rate was made, and go in part of the next Rate of the like Denomination to be made and laid on such Place by the Council of such Borough; and in regard to separate Rates made by Overseers of the Poor for raising Watch Rates as is herein-after mentioned, such Overseers shall account for the Money collected under or by virtue of such separate Rates in like Manner as for Money collected under Rates made for the Relief of the Poor; and in case of there being a Surplus in the Hands of such Overseer, arising from any such separate Rate made for raising a Watch Rate, above the Amount to raise which such separate Rate was made, then such Surplus shall be paid to the Treasurer of the Borough Fund, to the Credit of the Place within and for which such separate Rate was made, and go in part of the next Watch Rate to be made and laid on such Place by the Council of such Borough.

Collectors to account.

Surplus of District Rate to be paid to the Treasurer.

Separate Rate made by Overseers for raising Watch Rates to be accounted for, and Surplus paid to the Treasurer.

V. And be it enacted, That it shall be lawful for the Council of the Borough in which any District Rate, or any separate Rate to be made by Overseers of the Poor for raising a Watch Rate as herein-after mentioned, shall be made, or for any Committee of the Council appointed for that Purpose, on Application by or on behalf of any Person rated in any such District Rate, or Rate for raising a Watch Rate, to be discharged therefrom, and on Proof of his or her Inability, through Poverty, to pay the Amount charged upon him or her by such District Rate, or Rate for raising a Watch Rate, to order that such Person shall be excused from the Payment of such District Rate, or Rate for raising a Watch Rate, and to strike out his or her Name therefrom; and the Sum at which such Person was so rated in such District Rate, or Rate for raising a Watch Rate, shall not thereafter be collected, nor shall any Person be charged therewith, or in any Manner called or liable to account for the same, or for omitting to collect or receive the same.

Persons rated may be excused on account of Poverty.

VI. And be it enacted, That in every Case in which a Part only of any Parish or Place liable to maintain its own Poor, and situated within any Borough, shall be liable to Watch Rate, the Overseers of the Poor of such Parish or Place shall not pay the Amount of any Watch Rate charged by the Council of such Borough upon such Parish or Place out of Money collected from any Rate or Rates for the Relief of the Poor, but shall make a separate Rate or Assessment

Watch Rates to be charged only upon Persons liable thereto.

ment upon the Part or Parts only of such Parish or Place liable to Watch Rates for raising and paying the same Watch Rate, which Rate shall be made in like Manner, and under like Regulations, and with like Means and Remedies for Recovery thereof, as are herein contained in relation to District Rates.

For Recovery of Rates.

VII. And be it enacted, That it shall be lawful for the Person or Persons appointed or to be appointed to act as Overseer or Overseers for making, levying, and collecting Borough Rates and Watch Rates in the Parts of Parishes or Places situate within the Limits and Jurisdiction of any City or Borough as aforesaid, or any of them, and for the Overseers of the Poor making any separate Rate or Assessment for the Purpose of raising the Amount of any Watch Rate, by Warrant from any Two Justices of the Peace usually acting in and for the Borough wherein the Parishes, Parts of Parishes or Places, in or for which any District Rate, or Rate for raising a Watch Rate, may be made, shall be situated, to levy upon every Person who shall refuse to pay the Amount assessed or charged upon him or her by any such District Rate, or Rate for raising a Watch Rate, according as they shall be assessed, the Amount so assessed or charged upon him, her, or them, together with the Costs and Charges of recovering and enforcing Payment of the same, to be ascertained by such Justices, by Distress and Sale of the Offender's Goods, rendering to the Parties the Overplus; and in default of such Distress it shall be lawful for any Two such Justices of the Peace to commit him or them to the Common Gaol of or used for the same Borough, there to remain, without Bail or Mainprize, until Payment of the said Amount and Arrearages.

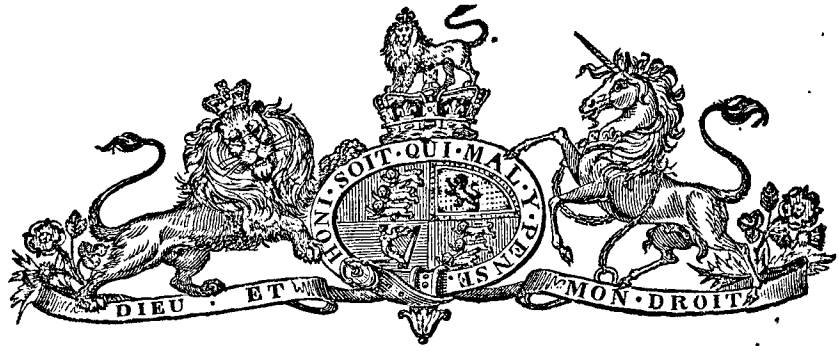
Overseer may be appointed for Two or more Parts of Parishes.

VIII. And be it enacted, That whenever there shall be within any Borough Two or more Parishes or Places, each separately maintaining its own Poor, or Two or more extra-parochial Places, and each of them partly within and partly without the Limits and Jurisdiction of such Borough, it shall be lawful for the Council of such Borough to appoint some One Person or some Two Persons to act as Overseer or Overseers for making, levying, and assessing District Rates and Watch Rates within any Two or more of the Parts of Parishes or Places, or within all the Parts of Parishes or Places, lying within the Limits and Jurisdiction of such Borough, without regard to the Residence of the Person or Persons so to be appointed; and every Person appointed to act as an Overseer for the making, levying, and collecting District or Watch Rates under the Provisions of this Act, and the Acts herein recited, shall be allowed and paid out of the Borough Fund such Allowances or Remuneration for his Services as the Council shall direct.

Alteration of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CXI.

An Act to amend the Laws relating to the assessing of County Rates. [8th *August* 1845.]

WHEREAS it is expedient to amend the Laws in being relating to the assessing of County Rates: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for Her Majesty's Justices of the Peace of every County in *England*, assembled at their General or Quarter Sessions of the Peace, or at any Adjournment thereof, from Time to Time, as often as they may deem it necessary, to appoint any Number of Justices, not exceeding Eleven in Number nor less than Five, to be a Committee for the Purpose of preparing fair and equal County Rates, or of altering and amending such Rates from Time to Time as Circumstances may require.

Justices at Sessions to appoint Committees for assessing County Rates.

II. And be it enacted, That the Committee so appointed shall hold their First Meeting after their Appointment at such Time and Place as shall be fixed by the said Court of Quarter Sessions, and their subsequent Meetings at such Times and Places as they shall themselves appoint for carrying this Act into execution; and at every Meeting of the said Committee, if Three or more Members thereof are present, they shall be competent to act as fully and effectually as if all the Members of the said Committee were present.

Meetings of Committee.

III. And be it enacted, That such Committee may from Time to Time, as they may see fit, appoint a Clerk to assist them in the Execution of their Duties under the Provisions of this Act, and may at any Time remove such Clerk, and appoint another in his Stead.

Committee may appoint a Clerk.

Committees may require Returns of the annual Value of the Property in any Parish liable to be assessed, with the Date of the last Valuation.

IV. And be it enacted, That for the Purpose of preparing such fair and equal County Rates the said Committee, by their Order in Writing, to be signed by their Clerk, may from Time to Time, as often as they may deem it necessary, direct the Overseers of the Poor, Constables, Assessors, and Collectors of public Rates of or for any Parish, Township, or Place within the County, and all other Persons having the Custody or Management of any public or parochial Rates or Valuations of any such Parish, Township, or Place, to make Returns in Writing to the said Committee, at such Times and Places as they may appoint, of the Amount of the full and fair annual Value of the whole or of any Part of the Property within the Parish, Township, or Place liable to be assessed toward the County Rate, together with the Date of the last Valuation for the Assessment of such Parish, and the Name of the Surveyor by whom the Valuation was made; and the Overseers of the Poor required to make any such Return in respect of any Parish, Township, or Place maintaining its own Poor, and the Constable or other Person required to make any such Return in respect of any Place not maintaining its own Poor, shall, before they present the same to the said Committee, lay the same before a Vestry Meeting of the Parish, Township, or Place for which they act, or where no Vestry Meeting is held before some other Meeting of the Inhabitants of such Place, if any such there be, at which the public Business of such Place is commonly transacted.

Such Returns to be laid before a Vestry Meeting previous to their being presented to the Committee.

Declaration of the Property liable to the County Rate.

V. And be it declared and enacted, That the Property liable to be assessed towards the County Rate shall be taken to be the Property which in any Parish or Place maintaining its own Poor is liable to be rated to the Relief of the Poor, or which in any Place not maintaining its Poor would be liable to be rated for the Relief of the Poor if such Place were a Parish.

Meaning of "full and fair annual Value."

VI. And be it declared and enacted, That for the Purposes of assessing any County Rate the Words "full and fair annual Value" shall be taken to mean the net annual Value of any Property as the same is or may be required by Law to be estimated for the Purpose of assessing the Rates for the Relief of the Poor.

Committees empowered to inspect Rates, Assessments, Valuations, &c.

VII. And be it enacted, That the said Committee may from Time to Time, as often as they may deem it necessary, by their Order in Writing, signed as aforesaid, require the said Overseers of the Poor, Constables, Assessors, Collectors, and any other Persons whomsoever, to appear before them when and where and as often as the said Committee may deem expedient, and to produce all parochial and other Rates, Assessments, Valuations, Apportionments, and other Documents in their Custody or Power relating to the Value of or Assessment on all or any of the Property within the several Parishes and Places aforesaid which may be liable to be assessed toward the County Rate, and to be examined on Oath, and answer such Questions as the said Committee may put to them respectively touching the said Rates, Assessments, Valuations, or Apportionments, or the Value of the Property aforesaid; and the said Committee shall be authorized and empowered to administer such Oath, and to examine the Parties upon Oath as aforesaid.

VIII. And

Penalty on Overseers or others refusing to attend or produce Documents.

VIII. And be it enacted, That every Overseer of the Poor, Constable, Assessor, Collector, or other Person so required to make Returns, or to appear as aforesaid, who shall, without any reasonable Excuse, neglect to make such Returns in Writing as aforesaid, or wilfully make any false Return, and every Person who shall neglect or refuse to appear when required so to do as aforesaid, or to be sworn or examined, or to produce such Documents as herein-before provided, shall forfeit a Sum not exceeding Twenty Pounds, to be prosecuted and recovered by Order of the said Committee before any Two of Her Majesty's Justices of the Peace.

Committees may cause new Valuations to be made.

IX. And be it enacted, That the said Committee may from Time to Time, and so often as they may think fit, by their Order in Writing, to be signed as aforesaid, direct that the whole or any Part of any Parish, Township, or Place within the County shall be valued, and may appoint One or more Person or Persons to make such Valuation; and the Person or Persons so appointed may at all reasonable Times, and with or without Assistants, enter upon, view, examine, survey, and measure all and any Lands, Houses, or other Property within such Parish, Township, or Place liable to be assessed toward the County Rate, in order to ascertain the Value at which the same ought respectively to be charged.

Allowances and Compensation to Persons employed in the Execution of this Act.

X. And be it enacted, That the said Committee from Time to Time may make such Allowances and Compensations to their Clerk, and to the Overseers, Constables, Collectors, Surveyors, or other Persons employed in the Execution of this Act, as to them shall appear reasonable and proper, which, together with the Costs of Printing and other Expences necessarily incurred by the said Committee in or about the preparing or amending any Rate, shall be paid, by an Order of the Court of General or Quarter Sessions of the Peace, out of the County Stock.

If Parish Officers neglect or make false Returns, Expences of Valuations to be paid by Parishes.

XI. And be it enacted, That if any Overseers neglect to make any such Return in Writing as aforesaid, or wilfully make any false Return or Statement of the Amount of the full and fair annual Value of the Property within the Parish, Township, or Place liable to be assessed towards the County Rate, any Court of General or Quarter Sessions of the Peace, upon the Report of the said Committee, may order that the whole of the Expences incurred by the said Committee in ascertaining the Amount of the full and fair annual Value of the same shall be charged upon the Parish, Township, or Place of which the Overseers have been guilty of such Neglect or Misconduct as aforesaid, in addition to the Proportion of the County Rate to be paid by such Parish, Township, or Place; and such Expences shall be raised, levied, and collected by such and the like Ways and Means as County Rate can or may be raised, levied, and collected, and shall be paid therewith, due Distinction being made, in the Case of every such additional Assessment, between the Sum or Sums charged for any such Expences and the Sum or Sums assessed for the County Rate.

When Committee have prepared a County Rate differing in

XII. And be it enacted, That when and so soon as the Committee appointed as aforesaid have prepared any County Rate in which the total Amount of the annual Value of the Property in any Parish or Place

Value from the preceding, they shall cause it to be printed and distributed to the acting Justices and Overseers of the Poor.

Overseers to submit the Rate to a Vestry Meeting.

Place within the County is estimated at a greater or less Amount than in the last preceding County Rate, they shall cause such Rate to be printed in such Form as they may think proper, and shall forthwith cause to be sent by the General Post or otherwise One Copy of the same to every acting Justice of the Peace for the County, and to the Overseers of the Poor, Constables, or other Persons charged with the Collection or Levy of the County Rate in every Parish and Place within such County; and such Overseers of the Poor, Constables, or other Persons shall, within Twenty-one Days after the Receipt of such Rate, call a Vestry Meeting of such Parish or Place, and shall submit the said Copy of the said Rate to such Vestry Meeting; and any Person rated to the Relief of the Poor or liable to contribute to the County Rate in such Parish or Place may at all reasonable Times inspect and examine the said Copy of the said Rate, whilst the same remains in the Custody of any such Overseer, Constable, or other Person, and take Extracts or Copies therefrom, without the Payment of any Fee for the same.

Notice of the Time within which Objections may be made to the proposed Rate to be sent to the Overseers.

XIII. And be it enacted, That, together with the Copy of such proposed Rate, there shall also be sent by the said Committee to the Overseers of the Poor or Constable of every such Parish or Place, or other Person as aforesaid, a Notification of a reasonable Time, not less than One Calendar Month, within which any Objections to the proposed Rate may be forwarded to the said Committee by such Overseers or Constable or other Person as aforesaid, or by any Person affected by such Rate; and the said Committee shall fix a Time and Place when and where such Objections will be taken into consideration by the said Committee, and for hearing the Parties making such Objections.

Notice to be given when Rate will be taken into consideration by Court of General or Quarter Sessions.

XIV. And be it enacted, That when any proposed Rate has been finally corrected and approved of by the said Committee, they shall lay the same before the Court of General or Quarter Sessions holden next thereafter, and such Court shall thereupon order public Notice to be given in One or more of the Newspapers usually circulated within the County, that such Rate will be taken into consideration at the then next General or Quarter Session of the Peace to be held for the said County; and at such General or Quarter Session of the Peace the Court shall proceed to take the same into consideration, and to alter and amend the same as to them may seem proper, and, if they think fit, to allow and confirm the said Rate, or, instead of making any Alteration in the said Rate, or allowing and confirming the same, to refer back the said Rate for Amendment to the said Committee, and to adjourn the Consideration thereof to some future General or Quarter Session of the Peace; and in such last-mentioned Case the said Committee shall have the same Powers and Authorities for requiring Returns and ascertaining the Value of Property liable to be assessed toward the County Rate, in order to the revising or amending of the said Rate, as are herein-before given to them for preparing the same; and all the Clauses and Provisions herein-before contained for preparing any Rate shall be applicable in every respect to the Revision or Amendment of the same; and any Amendment or Alteration of such Rate by the said Committee shall be reported and taken into consideration at the General or Quarter Session of the Peace to which the Consideration thereof was adjourned;

but before any Alteration or Amendment of the said Rate made by the said Committee be allowed or confirmed by the Court of General or Quarter Session of the Peace the said Committee shall send at least Fourteen Days previous Notice thereof, by Post or otherwise, to every Parish and Place with respect to which such Alteration or Amendment is made.

Rate to be deemed valid after Confirmation by Court of General or Quarter Sessions.

XV. And be it enacted, That when the Court of General or Quarter Sessions of the Peace have so allowed and confirmed any Rate, the same shall be taken to be made, and shall be valid, legal, and effectual, to all Intents and Purposes, notwithstanding any Irregularity may have arisen in the making thereof, and notwithstanding the Officers of any Parish or Place may have omitted to make the Returns herein-before mentioned, subject nevertheless at all Times to Appeals against the same as herein-after provided; and the said Court shall cause Copies of the said Rate to be printed, and shall direct One of such Copies to be sent to every acting Justice of the Peace for the County, and One Copy to the Overseers of the Poor, Constable, or other Person charged with the Collection and Levy of the County Rate in every Parish and Place within the said County.

Appeal.

XVI. And be it enacted, That if at any Time after the said Rate has been made as aforesaid any Overseer or Overseers of the Poor, Constable, or other Person charged with the Collection and Levy of County Rate in any Parish or Place, or other Inhabitant or Inhabitants thereof, have reason to think that such Parish, Township, or Place is aggrieved by any such Rate, whether it be on account of some One or more of them being without sufficient Cause omitted altogether from the Rate, or on account of such Parish, Township, or Place being rated on a Sum beyond the full and fair annual Value of the Property therein liable to be assessed toward the County Rate, or on account of some other Parish or Parishes, Township or Townships, Place or Places, being rated on a Sum less than the full and fair annual Value of the Property therein liable to be assessed toward the County Rate, such Overseer or Overseers of the Poor, Constable, or other Person, or Inhabitant or Inhabitants, may appeal to the Justices of the Peace for the County, at the General or Quarter Session to be holden next after the Session at which such Rate was allowed and confirmed, against such Part of the Rate only as may affect the Parish or Parishes, Township or Townships, Place or Places which appear to be over-rated or under-rated, or omitted altogether from the Rate as aforesaid (subject to the Provisions herein-after contained); and if in any Case where any Overseer or Overseers, Constable, or other Person as aforesaid, of one Parish or Place, appeals against the Rate on any other Parish or Place, on account of the same being altogether omitted from such Rate, or on account of the same being rated at less than the full and fair annual Value thereof as aforesaid, such Overseer or Overseers, Constable, or other Person shall give Twenty-one Days previous Notice in Writing of the Intention to appeal, and of the Cause and Matter thereof, to the Overseers of the Poor, or where there are no such Overseers to the Constable or other Person charged with the Collection and Levy of County Rate in such other Parish or Place, and if in any Case where any such Overseer or Overseers, Constable, or other

Notice of Appeal.

Person appeal against the Rate on the ground that any Parish, Township, or Place is rated on a Sum beyond the full and fair annual Value of the rateable Property therein, such Overseer or Overseers, Constable, or other Person shall give Twenty-one Days Notice thereof in Writing, with the Cause and Matter thereof, to the Clerk of the Peace of the County, the said Justices shall be empowered to hear and determine such Appeal in manner by this Act directed, and either to confirm such Parts of the Rate as have been appealed against, or to correct such Inequalities or Omissions as shall be proved to exist therein, in such Manner as to them the said Justices may appear fair, just, and equitable; but no such Rate shall upon any Appeal be quashed or destroyed, in regard to any other Parish, Township, or Place, unless in Cases where the Justices of the Peace in General or Quarter Session assembled, or the major Part of them, deem it necessary to proceed to the making of an entire new Rate, and where they proceed therein according to the Provisions of this Act.

Hearing and determining Appeals.

XVII. And be it enacted, That it shall be lawful for the Court of General or Quarter Session of the Peace, upon any such Appeal, instead of hearing the said Appeal, to order, upon the Application of the Appellant or Respondent in such Appeal, a Survey and Valuation of their respective Parishes, Townships, or Places, and shall fix the next or some subsequent Session for receiving such Survey and Valuation, and for hearing and determining the said Appeal, and such Court shall also thereupon appoint a proper Person or Persons to make such Survey and Valuation; and the Person or Persons so appointed shall for that Purpose have full Power, with or without Assistants, to enter upon, view, and examine, survey, measure, and value, all and any Lands, Houses, and Property liable to be assessed toward the County Rate within the Parishes, Townships, and Places mentioned in such Order; and such Survey and Valuation shall be reported to the General or Quarter Session fixed as aforesaid for receiving the same; and the Court then and there assembled shall hear and determine the said Appeal in the Manner herein-before set forth.

Penalty on Persons obstructing Overseers, &c.

XVIII. And be it enacted, That every Person who in any Manner wilfully resists or obstructs any Overseer, Collector, Surveyor, or other Person in the Execution of his or their Duty under this Act shall forfeit and pay any Sum not exceeding Five Pounds, to be prosecuted and recovered before any Two or more of Her Majesty's Justices of the Peace for the County wherein the Offence is committed.

Penalties and Forfeitures, Costs and Charges, may be levied by Distress and Sale of Offenders Goods.

XIX. And be it enacted, That all Penalties and Forfeitures by this Act authorized to be imposed for any Offence against the same shall, upon Proof and Conviction of the Offences respectively before any Two Justices, as herein-before directed, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justices are hereby authorized to administer), be levied, together with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hands of the Justices before whom the Party may have been convicted, or, on Proof of such Conviction, by a Warrant under the Hands of any Two Justices (which Warrant such Justices are hereby empowered and

and required to grant), and the Overplus (if any), after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon demand, unto the Owner of such Goods and Chattels; and if upon the Return of such Warrant it appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid, by Warrant under their Hands, to cause such Offender to be committed to the Common Gaol or House of Correction of the County where the Offender may be or reside, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, be sooner paid and satisfied; and the said Penalties and Forfeitures, when recovered, shall be paid to the Treasurer of the County in which such Offence may have been committed or Forfeiture incurred, to be applied in aid of the Rates of the said County.

Committal.

Application of Penalties.

XX. And be it enacted, That the Charges and Expences of and attending any Survey and Valuation ordered to be made by any Court of Quarter Sessions in such Appeal as aforesaid shall be deemed Costs in such Appeal, and abide the Event thereof; and the Court before which any such Appeal is heard and determined may order the Costs in and about such Appeal to be paid by either Party, Appellant or Respondent, as they in their Discretion may think fit; but where any Appeal is made on the ground that any Parish, Township, or Place is rated on a Sum beyond the full and fair annual Value of the Property therein, if the Court before which such Appeal is heard determine in favour of the Appellants such Court shall ascertain the Costs and Charges incurred by such Appellants in and about such Appeal, and shall order the Treasurer of the County Rates to pay the same to such Appellants out of the public Stock of the County in his Hands.

Sessions to determine Costs of Appeal and of Valuation ordered by Sessions.

XXI. And be it enacted, That in any Case where any Committee appointed as aforesaid have directed the whole or any Part of any Parish, Township, or Place to be valued, and where in the Rate afterwards allowed and confirmed by any Court of Quarter Session upon the Report of such Committee, such Parish, Township, or Place is rated on a Sum greater than the Sum set forth in the Returns made to such Committee by the Overseers of the Poor, Constable, or other Person required to make such Return in any Place not maintaining its own Poor, if there be no Appeal against the Rate on such Parish, Township, or Place at the General or Quarter Session holden next after such Confirmation or Allowance thereof, the Justices of the Peace at such Session shall order the Overseers, Constable, or other Person as aforesaid of such Parish, Township, or Place to pay the Amount of the Expences incurred in making such Valuation; and in any such Case as aforesaid, if there be an Appeal to the Justices of the Peace at any General or Quarter Session against the Rate, on the ground that such Parish, Township, or Place is rated on a Sum beyond the fair annual Value of the Property therein, and if on such Appeal such Rate is confirmed as to such Parish, Township, or Place, or if it be not reduced to or below the Sums set forth in the Returns made to such Committee as aforesaid, the Justices of the Peace at such Session shall order the Overseers,

Costs of Valuations directed by Committee.

Overseers, Constable, or other Person as aforesaid of such Parish, Township, or Place to pay the Amount of the Expences incurred in making the Valuation under the Direction of the Committee; and such Expences shall be raised, levied, and collected by such and the like Ways and Means as County Rate can or may be raised, levied, and collected, and shall be paid therewith, due Distinction being made, in the Case of every such additional Assessment, between the Sums charged for or on account of any such Expences and the Sum or Sums assessed as and for the County Rate.

Applying Provisions of former Acts to this Act.

XXII. And be it enacted, That all the Powers, Authorities, Provisions, Clauses, and Regulations contained in any former Act or Acts relating to the Assessment, Collection, and levying of County Rates (save and except such Parts thereof respectively as are hereby varied, altered, or repealed,) shall be good, valid, and effectual for the Purposes of assessing, levying, collecting, and enforcing the Payment of the Rate or Rates hereafter to be made in pursuance of this Act, and for carrying this Act into execution.

County Rate not to be assessed otherwise than as directed by 5 & 6 W. 4. c. 76.

XXIII. And whereas by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, it is enacted, that after the Grant of a separate Court of Quarter Sessions of the Peace to any Borough it shall not be lawful to assess any Messuages, Lands, Tenements, or Hereditaments within such Borough to any County Rate thereafter to be made, but every Part of every such Borough shall thenceforward be wholly free and discharged from contributing otherwise than as therein-after provided to any Rate or Assessment of any Kind of and for the County in which any Part of such Borough is situated; be it therefore enacted, That nothing in this Act contained shall extend to render any such Borough, or any Property situated therein, liable to be assessed or to contribute to County Rate, save as in the said recited Act is mentioned and contained.

The Act extended to all Places having separate Commission of the Peace, and to all Rates of the Nature of County Rates.

XXIV. And be it enacted, That in the Construction of this Act the Word "County" shall mean and include any Riding or Division having a separate Commission of the Peace, and any Liberty, Franchise, or other Place in which Rates in the Nature of County Rates may be levied, having a separate Commission of the Peace, and not subject to the Jurisdiction of the County or Counties at large in which such Liberty, Franchise, or Place may lie, nor contributing or paying to the County Rates made for such County or Counties at large; and that the Words "County Rate" shall mean and include every Rate or Tax assessed in any County for all or any of the Purposes to which County Rate or Stock is or may hereafter be made liable.

Alteration of Act.

XXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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CAP. CXII.

An Act to render the Assignment of satisfied Terms unnecessary. [8th *August* 1845.]

WHEREAS the Assignment of satisfied Terms has been found to be attended with great Difficulty, Delay, and Expence, and to operate in many Cases to the Prejudice of the Persons justly entitled to the Lands to which they relate: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every satisfied Term of Years which, either by express Declaration or by Construction of Law, shall upon the Thirty-first Day of *December* One thousand eight hundred and forty-five be attendant upon the Inheritance or Reversion of any Lands, shall on that Day absolutely cease and determine as to the Land upon the Inheritance or Reversion whereof such Term shall be attendant as aforesaid, except that every such Term of Years which shall be so attendant as aforesaid by express Declaration, although hereby made to cease and determine, shall afford to every Person the same Protection against every Incumbrance, Charge, Estate, Right, Action, Suit, Claim, and Demand as it would have afforded to him if it had continued to subsist, but had not been assigned or dealt with, after the said Thirty-first Day of *December* One thousand eight hundred

On 31st Dec. 1845 satisfied Terms of Years attendant on Inheritance, &c. of Land, to cease, except, &c.

hundred and forty-five, and shall for the Purpose of such Protection be considered in every Court of Law and of Equity to be a subsisting Term.

Satisfied Terms now subsisting, &c., to cease on becoming attendant upon Inheritance, &c. of Lands.

II. And be it enacted, That every Term of Years now subsisting or hereafter to be created, becoming satisfied after the said Thirty-first Day of *December* One thousand eight hundred and forty-five, and which, either by express Declaration or by Construction of Law, shall after that Day become attendant upon the Inheritance or Reversion of any Lands, shall immediately upon the same becoming so attendant absolutely cease and determine as to the Land upon the Inheritance or Reversion whereof such Term shall become attendant as aforesaid.

Construction of Act.

III. And be it enacted, That in the Construction and for the Purposes of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Lands" shall extend to all Freehold Tenements and Hereditaments, whether corporeal or incorporeal, and to all such Customary Land as will pass by Deed, or Deed and Admittance, and not by Surrender, or any undivided Part or Share thereof respectively; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Not to extend to Scotland.

IV. And be it enacted, That this Act shall not extend to *Scotland*.

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CAP. CXIII.

An Act to facilitate the Admission in Evidence of certain official and other Documents.

[8th *August* 1845.]

WHEREAS it is provided by many Statutes that various Certificates, official and public Documents, Documents and Proceedings of Corporations and of Joint Stock and other Companies, and certified Copies of Documents, Bye Laws, Entries in Registers and other Books, shall be receivable in Evidence of certain Particulars in Courts of Justice, provided they be respectively authenticated in the Manner prescribed by such Statutes: And whereas the beneficial Effect of these Provisions has been found by Experience to be greatly diminished by the Difficulty of proving that the said Documents are genuine; and it is expedient to facilitate the Admission in Evidence of such and the like Documents: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever by any Act now in force or hereafter to be in force any Certificate, official or public Document, or Document or Proceeding of any Corporation or Joint Stock or other Company,

Certain Documents to be received in

Evidence without Proof of Seal or Signature, &c. of Person signing the same.

Company, or any certified Copy of any Document, Bye Law, Entry in any Register or other Book, or of any other Proceeding, shall be receivable in Evidence of any Particular in any Court of Justice, or before any legal Tribunal, or either House of Parliament, or any Committee of either House, or in any judicial Proceeding, the same shall respectively be admitted in Evidence, provided they respectively purport to be sealed or impressed with a Stamp, or sealed and signed, or signed alone, as required, or impressed with a Stamp and signed, as directed by the respective Acts made or to be hereafter made, without any Proof of the Seal or Stamp, where a Seal or Stamp is necessary, or of the Signature or of the official Character of the Person appearing to have signed the same, and without any further Proof thereof in every Case in which the original Record could have been received in Evidence.

Courts, &c. to take judicial Notice of Signature of Equity or Common Law Judges, &c.

II. And be it enacted, That all Courts, Judges, Justices, Masters in Chancery, Masters of Courts, Commissioners judicially acting, and other judicial Officers shall henceforth take judicial Notice of the Signature of any of the Equity or Common Law Judges of the Superior Courts at Westminster, provided such Signature be attached or appended to any Decree, Order, Certificate, or other judicial or official Document.

Copies of Private Acts, printed by Queen's Printer, Journals of Parliament, and Proclamations, admissible as Evidence.

III. And be it enacted, That all Copies of Private and Local and Personal Acts of Parliament not Public Acts, if purporting to be printed by the Queen's Printers, and all Copies of the Journals of either House of Parliament, and of Royal Proclamations, purporting to be printed by the Printers to the Crown or by the Printers to either House of Parliament, or by any or either of them, shall be admitted as Evidence thereof by all Courts, Judges, Justices, and others, without any Proof being given that such Copies were so printed.

Persons forging Seal, Stamp, or Signature of certain Documents, or print any Private Act with false Purport, guilty of Felony.

IV. Provided always, and be it enacted, That if any Person shall forge the Seal, Stamp, or Signature of any such Certificate, official or public Document, or Document or Proceeding of any Corporation or Joint Stock or other Company, or of any certified Copy of any Document, Bye Law, Entry in any Register or other Book, or other Proceeding as aforesaid, or shall tender in Evidence any such Certificate, official or public Document, or Document or Proceeding of any Corporation or Joint Stock or other Company, or any certified Copy of any Document, Bye Law, Entry in any Register or other Book, or of any other Proceeding, with a false or counterfeit Seal, Stamp, or Signature thereto, knowing the same to be false or counterfeit, whether such Seal, Stamp, or Signature be those of or relating to any Corporation or Company already established, or to any Corporation or Company to be hereafter established, or if any Person shall forge the Signature of any such Judge as aforesaid to any Order, Decree, Certificate, or other judicial or official Document, or shall tender in Evidence any Order, Decree, Certificate, or other judicial or official Document with a false or counterfeit Signature of any such Judge as aforesaid thereto, knowing the same to be false or counterfeit, or if any Person shall print any Copy of any Private Act or of the Journals of either House of Parliament, which Copy shall falsely purport to have been printed

by the Printers to the Crown, or by the Printers to either House of Parliament, or by any or either of them, or if any Person shall tender in Evidence any such Copy, knowing that the same was not printed by the Person or Persons by whom it so purports to have been printed, every such Person shall be guilty of Felony, and shall upon Conviction be liable to Transportation for Seven Years, or to Imprisonment for any Term not more than Three nor less than One Year, with hard Labour: Provided also, that whenever any such Document as before mentioned shall have been received in Evidence by virtue of this Act, the Court, Judge, Commissioner, or other Person officiating judicially who shall have admitted the same, shall, on the Request of any Party against whom the same is so received, be authorized, at its or at his own Discretion, to direct that the same shall be impounded, and be kept in the Custody of some Officer of the Court or other proper Person, until further Order touching the same shall be given, either by such Court, or the Court to which such Master or other Officer belonged, or by the Persons or Person who constituted such Court, or by some One of the Equity or Common Law Judges of the Superior Courts at *Westminster* on Application being made for that Purpose.

Not to extend to Scotland.

V. And be it enacted, That this Act shall not extend to *Scotland*.

Alteration of Act.

VI. And be it enacted, That this Act may be repealed, altered, or amended during this present Session of Parliament.

Commencement of Act.

VII. And be it enacted, That this Act shall take effect from the First Day of *November* next after the passing thereof.

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tion, or for allowing them to plead thereto, or for recording their Appearance or Plea, or for discharging any Recognizance taken from any such Persons, or any Surety or Sureties for them.

Certain Fees heretofore payable to Clerks of Assize, &c., out of the County Rates to cease.

II. And whereas by the said Act it was provided that the Clerks of Assize, Clerks of the Peace, or Clerks of the Court, and their Deputies, should receive the Amount of the Fees theretofore payable to them respectively, which were abolished by the said Act, out of the Rates of the County, District, Hundred, Riding, or Division, or out of the Public Stock of the City, Town Corporate, Cinque Port, Liberty, Franchise, or Place of which they were severally the Officers; be it enacted, That no such Payment shall be made out of any such Rate or Stock, in satisfaction of any of the Fees abolished by the said Act, to any Clerk of Assize, Clerk of the Peace, or Clerk of the Court appointed after the passing of this Act, or to their or any of their Deputies.

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such as the Lord Chancellor shall from Time to Time by any Order direct; and from and after the Commencement of this Act no such Costs shall be taxed by any other Officer or Person whomsoever.

Lord Chancellor to appoint the Taxing Master.

II. And be it enacted, That the Lord Chancellor shall have Power to appoint some fit and competent Person to be the first Taxing Master under this Act, being a Barrister at Law of not less than Ten Years standing at the Bar, or being a Solicitor who shall for not less than Ten Years have practised as a Solicitor of the said Court; and that as often as the said Taxing Master so to be appointed, or any of his Successors, shall die or resign or be removed from his Office, the Lord Chancellor shall have Power to appoint a Taxing Master, qualified as aforesaid, in the Room of the Taxing Master who shall so die, resign, or be removed.

Appointment of Deputy in case of Absence.

III. And be it enacted, That in case of Absence from Illness or other reasonable Cause it shall be lawful for any Taxing Master under this Act to appoint a Deputy, such Deputy, and also the Occasion for such Appointment, being first approved by the Lord Chancellor; and that in case any Taxing Master under this Act, being absent as aforesaid, shall neglect to appoint such Deputy, or to renew the Appointment of a Deputy, the Lord Chancellor may appoint a Deputy; and every Deputy to be appointed as aforesaid shall have all the Powers and Authorities of his Principal, and shall be paid such Sum out of the Salary of his Principal as the Lord Chancellor shall direct.

Taxing Master may administer Oaths and take Affirmations.

IV. And be it enacted, That it shall be lawful for every such Taxing Master under this Act to administer the Oaths and take the Affirmations and Attestations of Honour which he may from Time to Time be required to administer and take by any Order made by the Lord Chancellor, with the Advice and Consent of the Master of the Rolls for the Time being.

Persons swearing before Taxing Master subject to Penalties for Perjury.

V. And be it enacted, That all Persons swearing, affirming, or attesting before any Taxing Master under this Act shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false Swearing or Perjury as if the Matters sworn, affirmed, or attested had been sworn, affirmed, or attested before the High Court of Chancery, or any of the Masters in Ordinary thereof.

Salary of Taxing Master.

Taxing Master may appoint and remove Clerks and fill up Vacancies.

VI. And be it enacted, That every Taxing Master under this Act shall be entitled to receive such annual Salary, not exceeding One thousand Pounds, as the Commissioners of Her Majesty's Treasury shall direct; and such Taxing Master may appoint, to assist him in his Business, Two Clerks, and as many more as the Lord Chancellor, with the Consent of the said Commissioners of Her Majesty's Treasury, shall from Time to Time by any Order direct; and every such Taxing Master may from Time to Time remove such Clerk or Clerks, and fill up all Vacancies in the Office of such Clerks, whether occasioned by Death, Resignation, or Removal; and the said Clerks shall respectively receive such Salaries as may be directed by the Commissioners of Her Majesty's Treasury: Provided always, that no Clerk shall be appointed by a Taxing Master to

fill up a Vacancy while he shall have a Clerk or Clerks, unless the Lord Chancellor shall by any Order declare such Appointment to be necessary.

Taxing Master and Clerks not to take Gratuities.

VII. And be it enacted, That if any such Taxing Master, or any Clerk of any Taxing Master, shall, for any thing done or pretended to be done relating to his Office or Employment under this Act, or under colour of doing any thing relating to his said Office or Employment, wilfully demand or accept, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, any Fee, Gift, Gratuity, or Emolument, or any thing of Value, other than what is allowed or directed to be taken by him under this Act, or any Order made under this Act, the Person so offending may, upon Complaint made to the Lord Chancellor, be removed by him from any Office or Employment he may hold under this Act.

Persons employed under this Act not to practise as Barristers, &c.

Solicitors, &c., accepting Office, to be struck off the Rolls.

VIII. And be it enacted, That from and after the Thirtieth Day of *November* next after the passing of this Act no Person while he holds any Office or Employment under this Act shall practise as a Barrister or as a Solicitor or as an Attorney; and that from and after the said Thirtieth Day of *November* every Solicitor or Attorney who shall accept any Office or Employment under this Act shall be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of Attornies of any of Her Majesty's Courts of Record at *Dublin* on which his Name may be.

Orders may be made for carrying Act into execution.

IX. And be it enacted, That it shall be lawful for the Lord Chancellor, with such Advice and Consent as aforesaid, to make and issue such Orders as he shall think fit for carrying the Provisions of this Act into execution, and also to make and issue such other Rules and Orders, not being inconsistent with the Enactments and Provisions of this Act, as he shall think fit, for establishing and settling the Practice of the Office hereby created, and the Hours of Attendance and Holidays.

Orders under this Act may be varied.

X. And be it enacted, That any Order or Orders for the Time being made under this Act may from Time to Time be annulled, altered, or varied by the like Authority by which any such Order or Orders shall have been made, and new Orders may from Time to Time be made for any of the Purposes of this Act by the respective Authorities by which Orders are hereby authorized to be made.

Act not to affect other Powers of Lord Chancellor.

XI. Provided always, and be it enacted, That nothing in this Act contained shall be construed to affect the general Powers vested in the Lord Chancellor, either solely or otherwise, under any former Act.

Offices to be procured for the Taxing Master in the King's Inns, or to be rented or hired.

XII. And be it enacted, That it shall be lawful for the Lord Chancellor to procure and provide a suitable Office or Offices for the Business of such Taxing Master in the Buildings of the *Four Courts* or *King's Inns, Dublin*, if the same can be conveniently procured therein; and if the same cannot be conveniently procured therein it shall be lawful for the Lord Chancellor to cause suitable Offices

Offices to be rented or hired for carrying on the Business of such Taxing Master.

The Stamp Duties imposed by the 4 G. 4. c. 78. in respect of Taxation of Costs in Chancery to be paid as heretofore.

XIII. And whereas by an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to grant additional Stamp Duties on certain Proceedings in the Court of Chancery and in the Equity Side of the Court of Exchequer in* Ireland, certain Stamp Duties were, amongst others, imposed and are payable for and in respect of several Proceedings in the Offices of the Masters in Ordinary of the Court of Chancery in *Ireland*, and, among others, for and in respect of Certificates at the Foot of Bills of Costs upon the Taxation thereof, which said Stamp Duties are carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: And whereas it is expedient that the same Stamp Duties should be continued, and be payable and carried to the Consolidated Fund, in respect of the Taxation of Costs by the Taxing Master appointed under this Act, as were payable in respect of the Taxation of Costs in the said Court before the passing of this Act, and that the Salaries of such Taxing Master and his Clerks, and the Expences of his Office, should be paid out of the Consolidated Fund; be it therefore enacted, That the several and respective Duties of Stamps payable by virtue of the said recited Act for and in respect of every Certificate at the Foot of any Bill of Costs shall continue to be paid and payable for and in respect of and shall be applicable to every Certificate at the Foot of any Bill of Costs upon, for, or in respect of any Taxation of Costs by any Taxing Master to be appointed by virtue of this Act, and shall be subject to the same Rules, Regulations, and Provisions as the said Stamp Duties in the said recited Act mentioned, so far as the same shall be respectively applicable.

Salaries, &c., to grow due from Day to Day, but to be payable quarterly out of the Consolidated Fund.

XIV. And be it enacted, That all Salaries under this Act shall grow due from Day to Day, but shall be payable on the Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and the Tenth Day of *October* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, by the Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Expence necessarily incurred for hiring suitable Offices for the Business of such Taxing Master shall likewise be paid out of the said Consolidated Fund.

Interpretation of "Lord Chancellor."

XV. And be it enacted, That in the Construction of this Act the Expression "the Lord Chancellor" shall mean and include the Lord Chancellor of *Ireland*, the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of *Ireland*, for the Time being.

Alteration of Act.

XVI. And be it enacted, That this Act may be amended or repealed by any Act passed in this present Session of Parliament.

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ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CXVI.

An Act for the Protection of Seamen entering on board Merchant Ships. [8th *August* 1845.]

WHEREAS the Seamen of this Kingdom have been for several Years past subjected to grievous Impositions and great Injustice by certain Persons who undertake to procure Seamen to enter on board Merchant Ships who have no Interest in the said Ships: And whereas it is required that further Protection should be afforded to Seamen against the Arts of such Persons: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *September* next the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations shall be and they are hereby empowered to license such Persons as they may deem to be requisite and fit, and who may be desirous to take out such Licences, to hire, engage, supply, or provide Seamen to be entered on board Merchant Ships; and every such Licence shall be granted for such Period, upon such Terms, and upon such

The Board of Trade may license Persons to procure Seamen for Merchant Ships.

Security being given, and shall be revocable upon such Conditions, as the Lords of the said Committee may at any Time or Times appoint.

Manner of granting and revoking Licence.

II. And be it enacted, That every such Licence shall be granted, and every Revocation thereof shall be made, by Minute or Resolution of the Lords of the said Committee, and a Copy of any such Minute or Resolution, certified and signed by One of the Secretaries or Assistant Secretaries of the said Committee, shall be received as Evidence of such Licence or Revocation, without further Proof thereof.

No Person not duly licensed or interested in the Ship to be concerned in procuring Seamen to be entered.

III. And be it enacted, That no Person not licensed as aforesaid, or not being the Owner, Part Owner, Master, or Person in charge of a Merchant Ship, or the Ship's Husband, shall hire, engage, supply, or provide a Seaman to be entered on board any Merchant Ship; and no Person, whether licensed or not, other than the Owner, Part Owner, Master, or Person in charge of a Merchant Ship, or the Ship's Husband, shall demand or obtain the Register Ticket of any Seaman for the Purpose or under the Pretence of engaging him on board of any Merchant Ship.

No Person interested in the Ship shall knowingly receive Seamen hired contrary hereto.

IV. And be it enacted, That no Owner, Part Owner, Master, or Person in charge of any Merchant Ship, or Ship's Husband, shall knowingly receive or accept to be entered on board the said Ship any Seaman who has been hired, engaged, supplied, or provided to be entered on board thereof contrary to the Provisions of this Act.

Penalty on every Person guilty of any of the Offences above described.

V. And be it enacted, That every Person guilty of any of the Offences above described shall forfeit and pay for each and every Seaman hired, engaged, supplied, or provided to be entered on board, and for every Register Ticket demanded or obtained contrary to the Provisions of this Act, or for every Seaman knowingly received or accepted to be entered on board contrary to the Provisions of this Act, any Sum of Money not exceeding Twenty Pounds upon Conviction thereof for each Offence, although several Seamen may be included in the same Contract, or several Tickets may be obtained or several Seamen may be received or permitted to remain at the same Time.

Unlicensed Persons not to be employed for the Purpose of engaging Seamen.

VI. And be it enacted, That it shall be unlawful for any Person to employ any unlicensed Person or Persons for the Purpose of engaging or providing Seamen to be entered on board Merchant Ships; and that any licensed Person knowingly employing any unlicensed Person for the Purposes aforesaid shall forfeit and pay a Sum not exceeding Twenty Pounds, and, in addition thereto, shall forfeit and lose his Licence.

VII. And

No Advance Note or Wages to be given or paid to any Seaman until after the Ship's Articles have been duly signed.

VII. And be it enacted, That the Owner, Part Owner, Master, or Person in charge of any Merchant Ship, or Ship's Husband, shall not pay or advance, nor give any Note in Writing or otherwise in the Nature of and purporting to be an Advance Note for any Part of the Wages of any Seaman hired, engaged, supplied, or provided to be entered on board the said Ship, until Six Hours after the Ship's Articles have been duly signed by the said Seaman on board the said Ship, and by the Master or Owner of the said Ship, and then only to the said Seaman himself, unless such Wages or Advance of Wages be paid in Money, in which Case the Payment thereof may be made to the said Seaman himself at any Period most convenient after the signing of the said Ship's Articles as aforesaid; and all Payments of Wages contrary to the Provisions of this Act shall be and are hereby declared to be null and void, and the Amount thereof shall be recoverable by the said Seaman as if they had not been paid or advanced.

Penalty for receiving Remuneration for hiring Seamen from any other than the Owner, Master, &c.

VIII. And be it enacted, That if any Person shall demand or receive from any Seaman, or from any Person other than the Owner, Part Owner, Master, or Person in charge of a Merchant Ship, or the Ship's Husband, requiring Seamen, any Remuneration whatever, either directly or indirectly, for and on account of the hiring, supplying, or providing any such Seaman, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Persons not to be admitted on board Merchant Vessels before their Arrival in Dock or at the Place of Discharge without Permission.

IX. And be it enacted, That it shall not be lawful for any Person (other than any Officer or Person in Her Majesty's Service or Employment) to go and be on board any Merchant Vessel arriving or about to arrive at the Place of her Destination before or previous to her actual Arrival in Dock, or at the Quay or Place of her Discharge, without the Permission and Consent of the Master or Person in charge of the said Vessel; and if any Person (other than as aforesaid) shall go and be on board any such Vessel before or previous to her actual Arrival in Dock, or at the Quay or Place of her Discharge, without the Permission and Consent of the said Master or Person in charge of the said Vessel, he shall for every such Offence forfeit and pay a Sum of Money not exceeding Twenty Pounds; and for the better securing the Person of such Offender the Master or Person in charge of the said Vessel is hereby authorized and empowered to take any Person so offending as aforesaid into Custody, and to deliver him up forthwith to any Constable or Peace Officer, to be by him taken before a Justice or Justices, to be dealt with according to the Provisions of this Act.

Penalty for soliciting Sailors to become Lodgers in Houses of

X. And be it enacted, That if any Person shall, on board any Merchant Ship, within Twenty-four Hours of her Arrival at any Port as aforesaid, solicit any Seaman to become a Lodger at the House of any Person not so licensed as aforesaid, and letting Lodgings

unlicensed Persons, or removing Sailors Effects from on board.

for Hire, or shall take from and out of such Ship any Chest, Bedding, or other Effects of any Seaman, except under the personal Direction of such Seaman, and without having the Permission of the Master or Person in charge of such Ship, he shall be liable to forfeit and pay for every such Offence the Sum of Five Pounds.

Penalty for receiving Remuneration for Board of Sailors for longer Period than is due, or for neglecting to return Monies or Effects belonging to Seamen.

XI. And be it enacted, That if any Person shall demand and receive of and from any Seaman Payment in respect of his Board or Lodging in the House of such Person for a longer Period than such Seaman shall have actually resided and boarded therein, or shall receive or take into his Possession or under his Control any Monies, Documents, or Effects of any Seaman, and shall not return the same or pay the Value thereof when required so to do by such Seaman, after deducting therefrom what shall be justly due and owing in respect of the Board and Lodging of such Seaman, he shall forfeit and pay a Sum not exceeding Ten Pounds, over and above the Amount or Value of such Monies, Documents, or Effects, after such Deductions as aforesaid, which shall be adjudged to be forthwith paid to such Seaman under the Conviction by the Justices before whom such Offence shall be heard and determined.

Recovery and Application of Penalties.

XII. And be it enacted, That all Penalties and Forfeitures imposed by this Act shall and may be recovered, with Costs, by summary Proceedings before any Two Justices of the Peace residing in or near to the Place where the Offence shall be committed or where the Offender shall be; and if the Sum imposed as a Penalty or adjudged to be paid as aforesaid by any such Justices shall not be paid, either immediately after the Conviction or within such reasonable Time as such Justices shall at the Time of the Conviction appoint, it shall be lawful for the Justices to commit the Offender or Offenders to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of such Justices, for any Term not exceeding Six Calendar Months, the Commitment to be determinable upon Payment of the Amount and Costs; and all such Penalties and Forfeitures shall be paid and applied in manner following; (that is to say,) One Moiety of such Penalty shall be paid to the Informer or Person upon whose Discovery or Information the same shall be recovered, and the Residue thereof shall be paid to the Seaman's Hospital Society: Provided always, that in all Cases of Complaint made by or on the Behalf of any Seaman under this Act the Evidence of such Seaman shall be received and taken notwithstanding he may be interested in the Matter: Provided also, that such Seaman shall not in any such Case where he shall have been so examined receive any Part of any Penalty to be imposed, but only such Sum as the Magistrates before whom the Case shall be heard shall adjudge him to receive for any Monies or Effects which shall appear to have been deposited by him with any such Person as aforesaid.

XIII. And

XIII. And be it enacted, That the Justices before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; (that is to say,) Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord at in the County of [*or* Riding, Division, Liberty, City, *&c., as the Case may be*], *A. O.* is convicted before us [*naming the Justices*], Two of Her Majesty's Justices of the Peace for the said County, [*or* Riding, *&c.*,] for that he the said *A. O.* did [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be*]; and we the said Justices adjudge the said *A. O.* for his said Offence to forfeit and pay the Sum of [*here state the Amount of the Fine imposed, and, when necessary, add the Words* "over and above the Sum of £ , which we the said Justices do hereby adjudge to be forthwith paid to the said *E. F.* [*the Seaman*], the same being the Value of Monies, Documents, or Effects of the said *E. F.* received by or taken into the Possession or under the Control of the said *A. O.*"]; and we the said Justices do also adjudge the said *A. O.* to pay the Sum of for Costs, and in default of immediate Payment of the said Sums of to be imprisoned in the for the Space of unless the said Sums shall be sooner paid [*or*, and we order that the said Sums of shall be paid by the said *A. O.* on or before the Day of]; and we direct that the Sum of Part of the said Penalty, together with the said Sum of for Costs, shall be paid to *C. D.* [*the Party informing*], and the Residue of the said Penalty shall be paid to the Seamen's Hospital Society. Given under our Hands, the Day and Year first above mentioned.'

XIV. And be it enacted, That no such Conviction shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same. No Certiorari, &c.

XV. And be it enacted, That the Words "Merchant Ships" inserted in this Act shall be understood to include every Description of Sea-going, Trading, or Passage Vessel lying and being within the United Kingdom of *Great Britain* and *Ireland*. Explanatory Clause.

XVI. And be it enacted, That this Act shall come into operation at the following Times; (that is to say,) on the First Day of *September*, Commencement of Act.

September, so far as respects the Power of licensing herein-before given to the Lords of the said Committee of Privy Council, and on the First Day of *November*, so far as respects all other Enactments of this Act.

Alteration of Act.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

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(namely) an Act made in the Eleventh Year of the Reign of King *George* the Fourth, "to repeal the Provisions of certain Acts relating to the Removal of Vagrants and poor Persons born in the Isles of *Jersey* and *Guernsey*, and chargeable to Parishes in *England*, and to make other Provisions in lieu thereof;" an Act made in the Fourth Year of the Reign of King *William* the Fourth, "to repeal certain Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*, and to make other Provisions in lieu thereof until the First Day of *May* One thousand eight hundred and thirty-six, and to the End of the then next Session of Parliament."

Provision for Removal of Natives of Scotland, Ireland, and the Isles of Man, Scilly, Jersey, and Guernsey.

II. And be it enacted, That if any Person born in *Scotland* or *Ireland*, or in the *Isle of Man*, or *Scilly*, or *Jersey*, or *Guernsey*, not settled in *England*, become chargeable to any Parish in *England* by reason of Relief given to himself or herself, or to his Wife, or to any legitimate or bastard Child, such Person, his Wife, and any Child so chargeable, shall be liable to be removed respectively to *Scotland*, *Ireland*, the *Isle of Man*, *Scilly*, *Jersey*, or *Guernsey*; and if the Guardians of such Parish, or of any Union in which the same may be comprised, or, where there are no such Guardians, if the Overseers of such Parish, complain thereof to any One Justice of the Peace, such Justice may, if such Person do not attend voluntarily, summon him to come before any Two Justices of the Peace, at any Time and Place to be named in the Summons; and at such Time and Place, or on the Attendance of such Person, any Two Justices may hear and examine into the Matter of such Complaint, and if it be made to appear to their Satisfaction that such Person is liable to be so removed as aforesaid, and if they see fit, they may make and issue a Warrant under their Hands and Seals to remove such Person forthwith at the Expence of such Union or Parish.

Persons executing Warrants of Removal to have the Authority of Constables.

III. And be it enacted, That every Person to whom any Warrant made in pursuance of this Act shall be delivered for the Purpose of being carried into execution shall detain and hold in safe Custody every poor Person mentioned therein, until such poor Person have arrived at the Place to which he is ordered to be removed, and shall for that Purpose, in every County and Place through which he may pass in the due Execution of such Warrant, have and exercise the Powers with which a Constable is by Law invested, notwithstanding such Person may not otherwise be empowered to act as a Constable for such County or Place.

Justices of the Peace to make new Regulations for Removal of Scottish and Irish Poor, &c. to their respective Places of

IV. And be it enacted, That the Justices of the Peace of every County shall at some General or Quarter Session of the Peace or some Adjournment thereof, and the Justices of the Peace in Petty Sessions of every Borough shall within Eight Months after the passing of this Act, make Regulations for the more effectually carrying into effect the Provisions of this Act for the Removal of such poor Persons, their Wives and Children, whether by Land or Sea, or Part of the Way by Land and Part by Sea; and such Justices may from Time to Time thereafter, as they may see Occasion, make other Regulations

Regulations for the same Purpose; and such Justices shall in such Regulations provide, so far as may be, for the removing of Persons born in *Ireland*, and their Families, to the Ports named in the Schedule marked (A.) to this Act annexed which are nearest to the respective Places where such Persons were born or have resided, unless where any such Persons consent to be removed to any other Port or Place in *Ireland*, and as regards Persons born in *Scotland*, and their Families, to the Ports named in the Schedule marked (B.) to this Act annexed which are nearest the respective Places where such Persons were born or have resided, or to Places not being Ports, but being as near as such Ports to the respective Places where such Persons were born or have resided, unless where any such Persons consent to be removed to any other Port or Place in *Scotland*; and such Regulations, when approved by one of Her Majesty's Principal Secretaries of State, shall be observed and carried into effect by all Justices of the Peace, Guardians, Overseers, Constables, and other Persons charged with or concerned in such Removal in such respective County or Borough; and until such Regulations for any County or Borough have been so approved, all Rules, Orders, Regulations, and Directions heretofore made for the Removal therefrom of Persons born in *Scotland*, *Ireland*, or the Isles of *Man*, *Scilly*, *Jersey*, or *Guernsey*, shall continue in force, but no longer. Birth or Residence.

V. And be it enacted, That in the Case of any Parish not in Union, and not containing a Population exceeding Thirty thousand Persons according to the last Census published by the Authority of Parliament, if the Guardians or Overseers on whose Complaint such Warrant of Removal was made bring or send to the Clerk of the Peace of the County or to the Town Clerk of the Borough in which such Parish is situate such Warrant of Removal, accompanied with an Affidavit, sworn before some Justice of the Peace of such County or Borough, (who shall be authorized to administer the same,) of the Amount of the Expences *bonâ fide* incurred and paid by such Guardians or Overseers on account of such Removal under such Warrant as aforesaid, and also a Statement of the several Items comprised in such Amount, such Clerk of the Peace shall lay the same before the Justices of the Peace assembled at the Quarter Session or Adjournment thereof holden for such County next after he has received the same, and such Town Clerk shall lay the same before the Council of such Borough at their Quarterly Meeting held next after he has received the same; and the said Justices and Council of such Borough respectively shall, if the Regulations in force in regard to such Removal have been duly complied with, order the Amount of such Expences to be paid out of the County Rate raised in such County, or out of the Borough Fund of such Borough, as the Case may be. Expences of certain Parishes to be repaid out of County Rates.

VI. And be it enacted, That if any Board of Guardians of any Union in *Ireland*, or the Heritors and Kirk Session or Borough Magistrates in *Scotland*, think themselves aggrieved by any Removal of any poor Person under the Provisions of this Act, and if they forward to the Poor Law Commissioners a Statement of the Case, and of any Grounds Appeals against such Removals may be lodged at the Instance of Boards of

Guardians in Ireland, and of Kirk Session, Heritors, or Borough Magistrates in Scotland.

Grounds for concluding that such poor Person is settled in any Parish in *England*, or was not in Law liable to be removed to *Ireland* or *Scotland*, as the Case may be, and if they or any Persons on their Behalf give good Security in *England* to the said Commissioners for the Payment of all Costs which may be incurred in any Appeal against the Warrant for the Removal of such poor Person, such Commissioners, if satisfied that it will be expedient so to do, may appeal, on behalf of the Persons so aggrieved, to the Court of Quarter Sessions holden for the County or Borough from which such Removal was made, held at any Time within Six Months after such Removal was completed; and such Commissioners shall, at least Twenty-one Days before the holding of such Session, send by Post or otherwise, to the Guardians or Overseers on whose Application such Warrant was obtained, Notice in Writing, purporting to be signed by their Secretary or one of their Assistant Secretaries, of their Intention to appeal against such Warrant, containing a Statement in Writing of the Ground of such Appeal; and such Court of Quarter Sessions shall hear and determine such Appeal; and if the Warrant of Removal is reversed by such Court, the Guardians or Overseers on whose Application the same was obtained shall pay the Costs and the necessary Expences and Charges incurred by or on account of such Board of Guardians, or Heritors and Kirk Session or Borough Magistrates respectively, in conveying the poor Person removed under the same back to such Parish; and if they refuse or neglect to pay the same within Seven Days after demand thereof, the Persons on whose Behalf such Appeal was brought, or any Person authorized by them, may recover the same as Penalties and Forfeitures: Provided always, that the said Guardians or Overseers may at any Time after such Notice of Appeal give or send by Post Notice in Writing under the Hands of any Two or more of them to the said Commissioners, that they abandon such Warrant, and thereupon such Warrant shall be of no Effect; and such Guardians and Overseers shall pay to the Persons on whose Behalf such Notice of Appeal was given, or to some Person authorized by them, the Expences incurred by or on account of such Persons by reason of such Warrant, and in any Proceedings consequent thereon, and the necessary Expences and Charges of conveying the Person removed under the same back to such Parish; and if they do not pay the same within Seven Days after demand the same may be recovered as Penalties and Forfeitures.

The Poor Law Amendment Act and this Act to be construed as One Act.

VII. And be it enacted, That the said Act of the Fifth Year of the Reign of King *William* the Fourth, "for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*," and all Acts to amend and extend the same, and the present Act, except so far as the Provisions of any former Act are altered, amended, or repealed by any subsequent Act, shall be construed as One Act; and that in this Act, or any of the said Acts, the Word "County" shall mean and include any County, Division of a County, Riding, or Liberty, having a separate Commission of the Peace; and that in this Act the Word "Borough" shall mean any Borough having a separate Court of Quarter Sessions.

VIII. And

VIII. And be it enacted, That in all Proceedings under this Act it shall be sufficient in the Law to use, with such Changes only as the Facts of each Case may require, the Forms contained in the Schedule marked (C.) to this Act annexed, for the Purposes in the Titles to such Forms respectively specified. Forms in the Schedule may be used in Proceedings under this Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Alteration of Act.

SCHEDULE (A.)

PORTS IN IRELAND.

DUBLIN.	CORK.	BELFAST.
WEXFORD.	LIMERICK.	DUNDALK.
WATERFORD.	DERRY.	

SCHEDULE (B.)

PORTS IN SCOTLAND.

DUMFRIES.	GLASGOW.	ABERDEEN.
AYR.	OBAN.	DUNDEE.
GREENOCK.	INVERNESS.	EDINBURGH.

SCHEDULE (C.)

Form of Warrant of Removal of Persons born in Scotland or Ireland, or in the Isle of Man, or Scilly, or Jersey, or Guernsey.

To

County of } WHEREAS Complaint hath been made by the Board of
to wit. } Guardians of the Union [*or* of the Parish of, *&c.*], in the said County of unto us, whose Names are hereunto set and Seals affixed, Two of Her Majesty's Justices of the Peace acting in and for the said County, that a Person born in Scotland [*or* Ireland, *or* the Isle of Man, *or* Scilly, *or* Jersey, *or* Guernsey], hath become and is now chargeable to the Parish [Township, *&c.*] of in the said Union, *&c.*]: And whereas, upon Examination of the said taken upon Oath before us (which Examination is hereto annexed), it doth appear to our Satisfaction that he was born in Scotland, *&c.*, and hath not a Settlement in England, and that he hath a Wife named and Children, videlicet neither of which Children has any Settlement in England.

These are therefore to require you the said to convey the said his Wife and Family aforesaid, to Scotland, *et cætera*, in the Manner directed by the Regulations of the Justices of the said County, *et cætera*, and approved by *J. S.*, one of Her Majesty's Principal Secretaries of State, in pursuance of the

Provisions of a certain Act made and passed in the Year of the Reign of Queen Victoria, intituled [*the Title of this Act*].

Given under our Hands and Seals this Day of in the Year of our Lord One thousand eight hundred and .

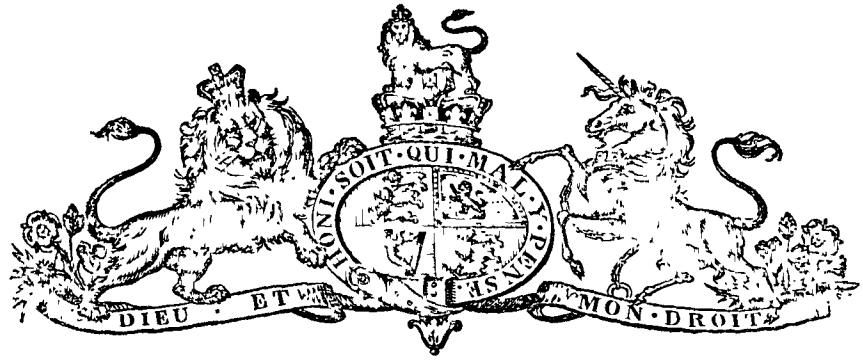
[*Here copy the Regulations of the Justices of the County, et cætera, approved by the Secretary of State, as applicable to the Removal of the Party.*]

Form of Examination to which the above Warrant refers.

} The Examination of taken on Oath
to wit. } before us, Two of Her Majesty's Justices of the Peace acting in and for the [County, Riding, City, Borough, Town Corporate, Division, *or* Liberty,] aforesaid, this Day of in the Year of our Lord One thousand eight hundred and , who on Oath saith, that according to the best of [his *or* her] Knowledge and Belief [he *or* she] was born in in that Part of the United Kingdom called Scotland [*or* Ireland, *or* in the Isle of Man, *or* Scilly, *or* Jersey, *or* Guernsey], which [he *or* she] left about Years ago, and hath no Settlement in that Part of the United Kingdom called England, and hath actually become and is now chargeable to the [Parish, Township, *&c.*] of in the County of [and that he hath a Wife named and Children, neither of which Children have gained a Settlement in England].

Sworn the Day and Year first above written, before us

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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Appointment of Commissioners.

present Parliament assembled, and by the Authority of the same, That it shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint any Two fit Persons to be Commissioners under this Act, and at pleasure to remove the Commissioners so appointed, or either of them; and upon every Vacancy in the Office of such Commissioner some other fit Person shall be appointed to such Office in like Manner; and the Commissioners so to be appointed shall, with the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, be the Commissioners for carrying this Act into execution; and during any Vacancy in the Office of Commissioner under this Act it shall be lawful for the continuing Commissioners or Commissioner to act as if no such Vacancy had occurred.

Chairman of Commissioners.

Style of Commissioners.

II. And be it enacted, That the said First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall be the Chairman of the Commissioners acting in the Execution of this Act; and such Commissioners shall be styled "The Inclosure Commissioners for *England* and *Wales*," and shall have their Office in *London* or *Westminster*, and they, or any Two of them, may sit from Time to Time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed therewith all Awards and Orders made or confirmed by the Commissioners in pursuance of this Act; and all such Awards and Orders and other Instruments proceeding from the said Board, or Copies thereof, purporting to be sealed with the Seal of the said Board, shall be received in Evidence, without any further Proof thereof; and no Award or Order of the Commissioners under the Authority of this Act shall be of any Force unless the same shall be sealed as aforesaid.

To have a Common Seal.

Commissioners to make annual Reports;

III. And be it enacted, That the Commissioners shall from Time to Time give to any One of Her Majesty's Principal Secretaries of State such Information respecting their Proceedings as such Principal Secretary of State shall require, and shall in the Month of *January* in every Year send to One of the Principal Secretaries of State a general Report of their Proceedings, specifying the Applications which may have been made to them under the Provisions of this Act, and the several Cases in which they shall have authorized Inclosures, and the Grounds on which they may have withheld their Consent to such Application, and also the Cases in which they shall be of opinion that proposed Inclosures, which may not be made without the Direction of Parliament, would be expedient; and such Report shall separately distinguish all such proposed Inclosures as relate to Lands situate within Fifteen Miles of the City of *London*, and within such respective Distances of other Cities or Towns as herein-after mentioned, and shall state in each such Case the special Grounds on which they shall be of opinion that such Inclosure shall be expedient; and as well in the Cases in which they shall have authorized Inclosures as in the other Cases aforesaid such Report shall state the Extent of the Land authorized and proposed to be inclosed, with such other Particulars as herein-after directed; and such Report shall also specify the

the Progress which shall have been made in Inclosures which the Commissioners may have authorized, and in the Inclosures which Parliament may have directed to be proceeded with; and every such Report shall be laid before both Houses of Parliament within Six Weeks after the Receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting then within Six Weeks after the next Meeting of Parliament; and such Commissioners may from Time to Time send to One of the Principal Secretaries of State such special Reports in relation to all or any of the Matters aforesaid as they may think fit. and also special Reports.

IV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to appoint a sufficient Number of Persons to be Assistant Commissioners, and also a Secretary, and such Clerks, Messengers, and Officers as they shall deem necessary, and to remove such Assistant Commissioners, Secretary, Clerks, Messengers, and Officers, or any of them, and on any Vacancy in any of the said Offices to appoint some other Person to the vacant Office; and the Persons so appointed shall assist in carrying this Act into execution at such Places and in such Manner as the Commissioners may direct: Provided always, that no such Appointment shall be made by the Commissioners unless the Lord High Treasurer or any Three or more of the Commissioners of Her Majesty's Treasury shall in the Case of each such Appointment consent thereto. Power to appoint and remove Assistant Commissioners, &c

V. And be it enacted, That no Commissioner or Assistant Commissioner, Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer Period than Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and after the Expiration of the said Period of Five Years and of the then next Session of Parliament so much of this Act as authorizes any such Appointment shall cease. Appointments under this Act limited to Five Years.

VI. And be it enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of Her Majesty's Treasury to direct a Salary, not exceeding One thousand five hundred Pounds by the Year, to be paid to One of the Commissioners for the Time being appointed under this Act; but, except as aforesaid, no Salaries shall be paid to the Commissioners in respect of their Appointments under this Act; and the Allowances to the Assistant Commissioners, and the Salaries of the Secretary, Clerks, Messengers, and other Officers to be appointed under this Act, shall be from Time to Time regulated by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them: Provided always, that the Allowance to an Assistant Commissioner shall not exceed the Sum of Three Pounds Three Shillings for every Day he shall be actually employed or travelling in the Performance of the Duties of his Office; provided also, that the said Lord High Treasurer or Commissioners may allow to any Commissioner, Assistant Commissioner, Secretary, Clerk, Messenger, or other Officer such reasonable travelling and other Expences as may be incurred by him in the Performance of his Duties under this Act, in addition to his Salary or Allowance (if any) respectively. Salaries and Allowances

VII. And

Allowances and Salaries to be paid out of the Consolidated Fund.

VII. And be it enacted, That the Allowances and Salaries of such Commissioner, Assistant Commissioners, Secretary, Clerks, Messengers, and Officers as aforesaid, and all other incidental Expences of carrying this Act into execution not herein otherwise provided for, shall be paid by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Commissioners and Assistant Commissioners to make a Declaration.

VIII. And be it enacted, That every Commissioner shall before he shall enter upon the Execution of his Office make the following Declaration before One of the Judges of Her Majesty's Court of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer; (that is to say,)

'I do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the Powers and Duties of a Commissioner under an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*].'

And every Assistant Commissioner shall, before he shall enter upon the Execution of his Office, make the like Declaration (substituting the Words "Assistant Commissioner" for the Word "Commissioner") before such Judge or Baron, or before any Two Justices of the Peace for the County, Riding, Division, Liberty, or Jurisdiction wherein such Assistant Commissioner shall be resident at the Time of his Appointment, or before a Master Extraordinary in Her Majesty's High Court of Chancery; and the Appointment of every such Commissioner and Assistant Commissioner, with the Time when and the Name or Names of the Judge, Baron, Justices, or Master Extraordinary before whom he shall have made the Declaration aforesaid, shall be forthwith published in the *London Gazette*.

Documents of the Tithe Commissioners may be used.

Power to summon Witnesses.

IX. And be it enacted, That all Awards, Apportionments, Agreements, Writings, and Maps in the Custody of the Tithe Commissioners for *England* and *Wales* shall be open to the Use and Inspection of the Inclosure Commissioners for *England* and *Wales*, or any Person by them authorized; and such Copies of or Extracts from such Awards, Apportionments, Agreements, Writings, and Maps as the Commissioners shall require shall be furnished to them for the Purposes of this Act; and that the Commissioners or any Assistant Commissioner may, by Summons under the Seal of the Commission or under the Hands of such Assistant Commissioner, require the Attendance of all such Persons as they or he may think fit to examine upon any Matter relating to any Inclosure or proposed Inclosure, or other Proceeding under the Authority of this Act, and also make any Inquiries and call for any Answer or Return as to any such Matter, and also administer or receive Declarations, and examine all such Persons upon Declaration, and cause to be produced before them or him, upon Declaration, all Court Rolls, and all Rate Books, Instruments of Tithe Apportionment, and other public Writings, Maps, Plans, and Surveys of or belonging to any Parish, or Copies thereof respectively, in anywise relating to any such Matter; and the Commissioners may, when they

they shall think fit, by Summons under the Seal of the Commission, require the Attendance before any Valuer acting in the Matter of an Inclosure under this Act of all such Persons as the Valuer may certify to the Commissioners as Persons whose Testimony may be necessary for the Matter of such Inclosure, and cause to be produced before such Valuer, upon Declaration, all such Court Rolls, Rate Books, public Writings, Maps, Plans, and Surveys, or Copies thereof, as aforesaid; and every Valuer acting in the Matter of an Inclosure under this Act may also administer or receive Declarations, and examine upon Declaration all such Persons as shall attend before him under such Summons of the Commissioners, and all such Persons as may voluntarily attend before him as Witnesses in such Matter: Provided always, that no such Person shall be required to attend in obedience to any such Summons unless the reasonable Charges of his Attendance shall have been paid or tendered to him; and no such Person shall be required in any Case, in obedience to any such Summons, to travel more than Ten Miles from the Place of his Abode.

Commissioners may delegate Powers to Assistant Commissioners.

X. And be it enacted, That the Commissioners may delegate to the Assistant Commissioners, or to any One or more of them, such of the Powers hereby given to the Commissioners as the Commissioners shall think fit (except the Power to confirm Awards, or to do any Act herein required to be done under the Seal of the Commissioners), and the Power so delegated shall be exercised under such Regulations as the Commissioners shall direct; and the Commissioners may at any Time recall or alter all or any of the Powers delegated as aforesaid, and, notwithstanding the Delegation thereof, may act as if no such Delegation had been made; and all Acts done by any such Assistant Commissioner in pursuance of such delegated Power shall be obeyed by all Persons as if they had proceeded from the Commissioners, and the Non-observance thereof shall be punishable in like Manner.

Descriptions of Land subject to be inclosed under this Act.

XI. And be it enacted, That all such Lands as are herein-after mentioned, (that is to say,) all Lands subject to any Rights of Common whatsoever, and whether such Rights may be exercised or enjoyed at all Times, or may be exercised or enjoyed only during limited Times, Seasons, or Periods, or be subject to any Suspension or Restriction whatsoever in respect of the Time of the Enjoyment thereof; all Gated and Stinted Pastures in which the Property of the Soil or of some Part thereof is in the Owners of the Cattle Gates or other Gates or Stints, or any of them; and also all Gated and Stinted Pastures in which no Part of the Property of the Soil is in the Owners of the Cattle Gates or other Gates or Stints, or any of them; all Land held, occupied, or used in common, either at all Times or during any Time or Season, or periodically, and either for all Purposes or for any limited Purpose, and whether the separate Parcels of the several Owners of the Soil shall or shall not be known by Metes or Bounds or otherwise distinguishable; all Land in which the Property or Right of or to the Vesture or Herbage, or any Part thereof, during the whole or any Part of the Year, or the Property or Right of or to the Wood or Underwood growing and to grow thereon, is separated

from the Property of the Soil; and all Lot Meadows and other Lands the Occupation or Enjoyment of the separate Lots or Parcels of which is subject to Interchange among the respective Owners in any known Course of Rotation or otherwise, shall be Land subject to be inclosed under this Act.

Wastes of Manors and Lands subject to indefinite Common Rights at all Times not to be inclosed without previous Direction of Parliament.

XII. Provided always, and be it enacted, That no Waste Land of any Manor on which the Tenants of such Manor have Rights of Common, nor any Land whatsoever subject to Rights of Common which may be exercised at all Times of every Year for Cattle levant and couchant upon other Land, or to any Rights of Common which may be exercised at all Times of every Year, and which shall not be limited by Number or Stints, shall be inclosed under this Act without the previous Authority of Parliament in each particular Case, as herein-after provided; provided also, that neither this Act, nor any thing which may be done under or by virtue thereof, shall authorize to be made any Embankment, Erection, or Encroachment without the Consent of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, and where the Consent of any Grantee of the Office of Admiral or Vice Admiral might have been required by Law if this Act had not been passed, the Consent also of such Grantee, in or upon the Shore of any Harbour, or the Bank of any navigable River so far as the Tide flows up the same, or shall give to or confer upon any Person any Right, Title, Estate, or Interest to or in any such Embankment, Erection, or Encroachment already made other than what he may legally have at the Time of the passing of this Act, or confer upon any Person whatsoever any Right, Title, Estate, or Interest whatsoever in any Lands or Soil whereon the Tide of the Sea flows and re-flows.

New Forest and Forest of Dean excepted.

XIII. Provided also, and be it enacted, That no Part of the *New Forest* in the County of *Southampton*, or of the Forest of *Dean* in the County of *Gloucester*, shall be Land subject to be inclosed under this Act.

Land within certain Distances of large Towns not to be inclosed without the previous Direction of Parliament.

XIV. Provided also, and be it enacted, That no Lands situate within Fifteen Miles of the City of *London*, or within Two Miles of any City or Town of Ten thousand Inhabitants, or within Two Miles and a Half of any City or Town of Twenty thousand Inhabitants, or within Three Miles of any City or Town of Thirty thousand Inhabitants, or within Three Miles and a Half of any City or Town of Seventy thousand Inhabitants, or within Four Miles of any City or Town of One hundred thousand Inhabitants, shall be subject to be inclosed under the Provisions of this Act without the previous Authority of Parliament in each particular Case, as herein-after provided; and in all such Cases the Number of Inhabitants shall be ascertained by the then last Parliamentary Census thereof, and that the Distance shall be measured in a direct Line from the Town Hall, if there shall be any Town Hall, or if there shall be no Town Hall then from the Cathedral or Church, if there shall be only One Church, or if there shall be more Churches than One then from the principal Market Place of any such City or Town.

XV. And

Village Greens not to be inclosed; but Provision may be made for preserving the Surface and fixing Boundaries.

XV. And be it enacted, That no Town Green or Village Green shall be subject to be inclosed under this Act; provided that in every Case in which an Inclosure of Lands in the Parish in which such Town Green or Village Green may be situate shall be made under the Authority of this Act it shall be lawful for the Commissioners, if they shall think fit, to direct that such Town Green or Village Green, provided such Green be of equal or greater Extent, be allotted to the Churchwardens and Overseers of the Poor of such Parish, in trust to allow the same to be used for the Purposes of Exercise and Recreation, and the same shall be allotted and awarded accordingly, in like Manner, and with the like Provisions for making or maintaining the Fences thereof, and preserving the Surface thereof, and draining and levelling the same where Occasion shall require, as herein-after directed concerning the Allotments to be made for the Purposes of Exercise and Recreation; and such Green may be so allotted in addition to other Land which may be allotted for the Purposes of Exercise and Recreation, or, if the Commissioners shall think it sufficient, may be allotted in substitution for other Land which might have been required to be allotted for such Purposes; and in every Case in which such Town Green or Village Green shall adjoin Land subject to be inclosed under this Act, and shall not be separated from such Land by Fences or known Bounds, the Commissioners shall, in the Provisional Order concerning such Inclosure, set out a Boundary Line between such Green and the adjoining Land, and shall in their annual General Report mention and describe such Boundary.

Persons interested in Lands for Purposes of Applications, &c.

XVI. And be it enacted, That for the Purposes of this Act the Persons interested in Land subject to be inclosed under this Act, or otherwise subject or to become subject to the Provisions of this Act, shall be deemed to be the Persons herein-after mentioned, and no others; (that is to say,) the Persons who shall be in the actual Possession or Enjoyment of any such Land or any Part thereof, or any Common or Common Right thereon, or any Manor of which such Land or any Part thereof shall be Waste, or who shall be in the actual Receipt of the Rents and Profits of such Land or Part thereof, Common, or Common Right, or Manor respectively, (except any Tenant for Life or Lives or for Years holding under a Lease or Agreement for a Lease on which a Rent of not less than Two Thirds of the clear yearly Value of the Premises comprised therein shall have been reserved, and except any Tenant for Years whatsoever holding under a Lease or Agreement for a Lease for a Term which shall not have exceeded Fourteen Years from the Commencement thereof, and except any Tenant from Year to Year at Will or Sufferance,) and that without Regard to the real Amount of Interest of such Persons; and in every Case in which any such Land, Common, or Common Right, or Manor, shall have been leased or agreed to be leased to any Person or Persons for Life or Lives or for Years by any Lease or Agreement for a Lease on which a Rent of not less than Two Thirds of the clear yearly Value of the Premises comprised therein shall have been reserved, and in every Case in which any such Land, Common, or Common Right, or Manor, shall be in the Possession of a Tenant from Year to Year

at

at Will or Sufferance, or shall have been leased or agreed to be leased for a Term which shall not have exceeded Fourteen Years from the Commencement thereof, the Person who shall for the Time being be entitled to the said Land, Common, or Common Right, or Manor, in reversion immediately expectant on the Term created or agreed to be created by such Lease or Agreement for a Lease respectively, or subject to the Tenancy from Year to Year at Will or Sufferance, shall be deemed for the Purposes of this Act to be the Person interested as aforesaid in respect of such Land, Common, or Common Right, or Manor; and in every Case in which any such Land, Common, or Common Right, or Manor, as aforesaid, shall have been leased or agreed to be leased to any Person for Life or Lives or for Years by any Lease or Agreement for a Lease in which a Rent less than Two Thirds of the clear yearly Value of the Premises comprised therein shall have been reserved, and of which the Term shall have exceeded Fourteen Years from the Commencement thereof, the Person who shall for the Time being be in the actual Receipt of the Rent reserved upon such Lease or Agreement for a Lease shall, jointly with the Person who shall be liable to the Payment of such Rent of such Land, Common, or Common Right, or Manor, be deemed for the Purposes of this Act to be the Person interested in respect of such Land, Common, or Common Right, or Manor respectively; and in every Case in which any Person shall be in possession or enjoyment or receipt of the Rents or Profits of any such Land, Common, or Common Right, or Manor, under any Sequestration, Extent, Elegit, or other Writ of Execution, or as a Receiver under any Order of a Court of Equity, the Person who but for such Writ or Order would have been in possession, enjoyment, or receipt of the Rents and Profits, shall, jointly with the Person in possession, enjoyment, or receipt by virtue of such Writ or Order, be deemed for the Purposes of this Act to be the Person interested in respect of such Land, Common, or Common Right, or Manor respectively.

Where the Crown is interested, who shall be substituted.

XVII. And be it enacted, That whenever Her Majesty shall be interested in Land as aforesaid the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, or in case Her Majesty shall be so interested in right of the Duchy of *Lancaster* the Chancellor of the Duchy of *Lancaster*, shall for the Purposes of this Act, and to the Extent of such respective Interest, be substituted for the Person interested as aforesaid.

Where Duke of Cornwall is interested, who shall be substituted.

XVIII. And be it enacted, That whenever the Duke of *Cornwall* shall be interested in Land as aforesaid the Lord Warden of the Stannaries shall for the Purposes of this Act, and to the Extent of such Interest, be substituted instead of the Person interested as aforesaid.

Provision for Persons jointly interested.

XIX. And be it enacted, That whenever an Interest in Land according to the Provisions of this Act shall be vested in several Persons as Co-Trustees or in Joint Tenancy, such Persons shall for the Purposes of this Act be considered as jointly interested, and

entitled to One Vote only in respect of their joint Interest; but any One or more of such Persons may, unless the other or others of them shall dissent therefrom, act or vote under this Act; and the Majority in Number of any such Persons may, notwithstanding any Dissent of the Minority, act or vote under this Act in the same Manner as if all such Persons had concurred; and whenever several Persons as Tenants in Coparcenary or in Common shall be so interested, each Coparcener or Tenant in Common shall for the Purposes of this Act, and to the Extent of the Value of his respective undivided Share, be deemed separately interested and entitled to vote as if he were Tenant in Severalty.

In case of Disability, Commissioners to name Substitutes.

XX. And be it enacted, That whenever any Person interested in Land as aforesaid shall be an Infant, Lunatic, Idiot, Feme Covert, or under any other legal Disability, or beyond the Seas, the Guardian, Trustee, Committee of the Estate, Husband, or Attorney respectively, or in default thereof such Person as may be nominated for that Purpose by the Commissioners, and whom they are hereby empowered to nominate under their Hands and Seal, shall for the Purposes of this Act be substituted in the Place of such Person so interested.

Attornies may be appointed by Persons interested.

XXI. And be it enacted, That it shall be lawful for any Person interested in any Land subject to be inclosed under this Act, or otherwise subject or to become subject to the Provisions of this Act, by a Power of Attorney, given in Writing under his Hand, to appoint an Agent to act for him for the Purposes of this Act; and all Things which by this Act are directed to be done by or with relation to any such Person may be lawfully done by or with relation to the Agent so duly authorized of such Person; and every such Agent shall have full Power, in the Name and on behalf of his Principal, to sign, concur in, and execute any Application or Act, to signify Consent or Dissent, and to vote on any Question arising out of the Execution of this Act; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted, or a Copy thereof, authenticated by the Signature of a Witness or Witnesses, shall be deposited in the Office of the Commissioners; and any such Power of Attorney may be in the Form following:

Form of Power of Attorney.

'I of do hereby appoint
of to be my Attorney
for all the Purposes of an Act passed in the Years
of Her present Majesty, intituled .'

Proportional Interests, how estimated.

XXII. Provided always, and be it enacted, That the proportional Value of the respective Interests of the several Persons interested in any Land subject to be inclosed under this Act, or otherwise subject or to become subject to the Provisions of this Act, shall, so far as relates to the Power to sign any Application, or to give any Notice or Consent, or to vote at any Meeting under this Act, be estimated as herein-after mentioned; (that is to say,) where their Interests shall

be in respect of Land or other rateable Property, then according to the proportional Sums at which such Land or rateable Property shall be rated to the Relief of the Poor; and when their Interests shall be in respect of Rights of Common enjoyed or claimed in respect of any Land, and not defined by Numbers or Stints, then according to the proportional Sum at which the Land in respect of which they enjoy or claim such Rights of Common shall be rated to the Relief of the Poor; and in case such Interests shall be in respect of Rights in a Gated or Stinted Pasture, or of other Rights defined by Numbers or Stints, then according to the proportional Amount of their respective Numbers or Stints; but in case such Interests shall be in respect of Rights of Common in gross, not rated to the Relief of the Poor, and not defined by Numbers or Stints, or in case, from any other Cause, it shall appear to the Commissioners, or to the Assistant Commissioner presiding at any Meeting held for the Purposes of this Act, impracticable to estimate such proportional Value in manner aforesaid, it shall be lawful for the Commissioners or such Assistant Commissioner to direct in what Manner such proportional Value shall be estimated, regard being had to the Circumstances of each particular Case: Provided always, that in every Case in which such Assistant Commissioner shall have directed in what Manner such proportional Value shall be estimated under the Power herein-before contained he shall specially report to the Commissioners the Circumstances under which it shall have become necessary to exercise such Power, and the Directions he shall have given in the Exercise thereof.

Proportional Interests of Lords of Manors.

XXIII. And be it enacted, That the proportional Value of the Interest of the Lord of a Manor interested as Lord in any Land subject to be inclosed under this Act, or, in case there shall be several Lords of a Manor or Lords of several Manors so interested in any Land subject to be inclosed under this Act, the proportional Value of the respective Interests of such Lords, shall for the Purposes aforesaid be estimated in such Manner as the Commissioners may direct.

Commissioners to frame Forms of Applications, &c.

XXIV. And be it enacted, That the Commissioners shall frame, and cause to be printed and circulated as they shall see Occasion, Forms indicating the Particulars of the Information to be furnished to the Commissioners by Persons proposing to inclose Land under the Provisions of this Act, with reference to the Extent and Nature of the Land to be inclosed, to the Mines, Minerals, or valuable Strata (if any) under the same, to the Questions of Boundary (if any) concerning such Land, or such Mines, Minerals, or Strata, to the Numbers and Occupations of the Inhabitants of the Parish or Place, to its Vicinity to or Distance from any City or Town or populous District, to the Parties interested in the proposed Inclosure, and the Numbers who have assented to or dissented from the Application, to the Nature of the Rights which require the Intervention of the Commissioners or the Interference of Parliament, to the supposed Advantages of the proposed Inclosure, to the Allotments (if any) proposed to be made for Exercise and Recreation and for the labouring Poor, and to the Allotment (if any) agreed on or proposed

to be made to the Lord of the Manor, in case the Lord of the Manor shall be entitled to the Soil of the Land proposed to be inclosed, in respect of his Right and Interest therein, and such other Information as in the Judgment of the Commissioners may assist them in forming an Opinion on such Application, and also such other Forms as the Commissioners may deem requisite or expedient for facilitating Proceedings under this Act.

Upon Application to the Commissioners, an Assistant Commissioner to inquire into the Expediency of proposed Inclosure.

XXV. And be it enacted, That any Persons interested in Land subject to be inclosed, and proposing to inclose the same under this Act, may make Application to the Commissioners according to the Form which may have been circulated as aforesaid by the Commissioners to sanction such Inclosure, or to certify in their annual General Report the Expediency of such Inclosure, as the Case may require; and in case the Commissioners shall, on the Statements contained in such Application, think that the Inclosure of such Land, or of some Part thereof, may be found to be expedient, they shall refer such Application to an Assistant Commissioner, who shall inspect the Land proposed to be inclosed, and inquire into the Correctness of the Statements in such Application, and otherwise into the Expediency of the proposed Inclosure; and such Assistant Commissioner shall hold a Meeting or Meetings, to hear any Objections which may be made to the proposed Inclosure, and any Information or Evidence which may be offered in relation thereto, and may adjourn such Meetings respectively, and shall cause Notice to be given on the Church Door of the Parish in which the Land proposed to be inclosed, or the greater Part thereof, shall be situate, and also a like Notice to be given by Advertisement of the Time and Place of every such Meeting, Fourteen Days at least before every such Meeting (Meetings by Adjournment only excepted): Provided nevertheless, that it shall not be lawful for the Commissioners to refer such Application to the Assistant Commissioner, nor for the Assistant Commissioner to take any further Proceedings upon any such Application, unless it shall be made to appear to them or him respectively that the Persons making such Application represent at least One Third in Value of the Interests in the Lands therein proposed to be inclosed.

Assistant Commissioner to report on Application

XXVI. And be it enacted, That the Assistant Commissioner to whom such Application shall be referred shall report in Writing to the Commissioners the Result of his Inquiries as to the Statements contained in the Application, and his Opinion as to the Expediency or Inexpediency of the proposed Inclosure, with the Reasons for such Opinion; and in case he shall think such Inclosure expedient he may specify any Terms or Conditions which may appear to him to be proper for the Protection of any public Interests, and of any Mineral Property or peculiar Rights in relation to the Land proposed to be inclosed, and shall annex to his Report a Map or Sketch of the Land proposed to be inclosed, and in case he shall be of opinion that Allotments for Exercise and Recreation or for the labouring Poor should be made in the proposed Inclosure, such Sketch shall show the Place in which it shall appear to him that such Allotments should be made.

XXVII. And

Commissioners to embody the Conditions of proposed Inclosure in a Provisional Order, and to take Consents of Parties interested.

XXVII. And be it enacted, That if on the Report of the Assistant Commissioner, or after any further Inquiries they shall think necessary in relation thereto, the Commissioners shall be of opinion, having regard as well to the Health, Comfort, and Convenience of the Inhabitants of any Cities, Towns, Villages, or populous Places in or near any Parish in which the Land proposed to be inclosed or any Part thereof shall be situate, as to the Advantage of the Proprietors of the Land to which such Application shall relate, that the proposed Inclosure would be expedient, the Commissioners, by Provisional Order under their Seal, shall set forth the Terms and Conditions on which they shall be of opinion that the Inclosure should be made, and especially the Quantity and Situation of the Allotments (if any) which under the Provisions of this Act should be appropriated for the Purposes of Exercise and Recreation and for the labouring Poor, and, in case the Lord of the Manor shall be entitled to the Soil of the Land proposed to be inclosed, shall specify the Share or Proportion of the Residue of the Land which, after Provision made for the Payment of Expences, in case the Expences shall, under the Provisions herein-after contained, be so directed to be paid by Sale of Land, and after deducting the Allotments to be made for public Purposes, should be allotted to the Lord of the Manor in respect of his Right and Interest in the Soil, either exclusively or inclusively of his Right or Interest in all or any of the Mines, Minerals, Stone, and other Substrata under such Land, or inclusively or exclusively of any Right of Pasturage which may have been usually enjoyed by such Lord or his Tenants, or any other Right or Interest of such Lord in the Land to be inclosed, as the Case may appear to the Commissioners to require, or as the Parties interested, with the Approbation of the Commissioners, may have agreed, and in case there shall be any Mineral Property, or any Rights in relation thereto, not vested in the Lord of the Manor, or other Rights which shall appear to the Commissioners proper to be specially provided for upon such Inclosure, or to be excepted from the Operation thereof, shall specify the Provisions or Exceptions which should be made in that Behalf; and the Commissioners shall thereupon cause Notice to be given of their Intention to authorize the proposed Inclosure, or (as the Case may be) to certify in their annual general Report the Expediency of the proposed Inclosure, but upon the Terms and Conditions in such Order expressed, and in case the Consents required by this Act should be given within the Time in such Notice specified, or within any enlarged Time which the Commissioners may allow for that Purpose; and the Commissioners shall cause to be deposited for Inspection a Copy of such Provisional Order in the Parish or Place in which the Land proposed to be inclosed, or some Part thereof, shall be situate, and may, in case they shall think fit, cause Meetings to be holden by an Assistant Commissioner for the Purpose of taking Consents or Dissents, or of ascertaining the Interests of consenting or dissenting Parties, or give such Directions as to the Mode of taking and verifying Consents as they shall think fit; and in case it shall appear to the Satisfaction of the Commissioners that Persons the aggregate Amount of whose Interests in the Land proposed to be inclosed shall not be less in Value than Two Thirds of the whole Interest in such Land, and the other Persons, if any, whose

whose Consents may be necessary under the Provisions herein-after contained, shall have consented to such Inclosure, upon the Terms and Conditions in such Order expressed, then, if the Land proposed to be inclosed cannot be inclosed under this Act without the previous Direction of Parliament, the Commissioners shall in their next annual general Report certify their Opinion that the proposed Inclosure would be expedient, with such Particulars in relation thereto, or to the Terms and Conditions aforesaid, as they shall think necessary; and in case the Land proposed to be inclosed shall be Land to the Inclosure of which under this Act the previous Direction of Parliament is not hereby required, the Commissioners shall cause Notice to be given on the Church Door and by Advertisement of their Intention to proceed with such Inclosure under the Provisions herein contained: Provided always, that where the Freemen, Burgesses, or Inhabitant Householders of any City, Borough, or Town shall be entitled to Rights of Common or other Interests in the Land proposed to be inclosed, the Commissioners shall not certify the Expediency of the proposed Inclosure, or proceed further under this Act, unless it shall appear to the Commissioners that Two Thirds in Number of such of the Freemen and Burgesses so entitled as may be resident in such City, Borough, or Town, or within Seven Miles thereof, or of such Inhabitant Householders, as the Case may be, shall have consented to such Inclosure, on the Terms and Conditions in their Provisional Order specified; and in case Two Thirds in Number of such resident Freemen and Burgesses, or of such Inhabitant Householders, shall have so consented, such Consent shall be deemed the Consent of the Class of Freemen, Burgesses, or Inhabitant Householders, as the Case may be, so entitled.

Separate Applications for separate Tracts.

XXVIII. And be it enacted, That when it shall appear to the Commissioners that Land proposed to be inclosed under this Act shall be in part a Tract of Open and Common Arable, Meadow, or Pasture Lands or Fields, and in part a Tract of Common or Waste Lands subject to Rights of Common, or shall otherwise consist of separate and distinct Tracts subject to separate and distinct Rights or Classes of Rights, and the Persons interested in one of such Tracts shall not be all interested in the other of them, it shall be lawful for the Commissioners to ascertain whether Persons interested in each of such Tracts whose Interests shall not be less than Two Thirds in Value of the whole Interest therein shall consent to the proposed Inclosure, on the Terms and Conditions in their Provisional Order specified; and in case it shall thereupon appear that such Proportion in Value of the Persons interested in any such Tract as aforesaid shall not have consented, the said Commissioners shall not proceed further under this Act in respect of such Tract, or certify in their annual general Report the Expediency of the Inclosure thereof, unless or until Persons interested therein whose Interest shall not be less than Two Thirds shall have consented thereto.

Consent of the Lord of the Manor.

XXIX. Provided always, and be it enacted, That when the Land to which such Application shall relate shall be the Waste of any Manor, or Land within any Manor to the Soil of which the Lord of such Manor shall be entitled in right of his Manor, then, unless there

shall be more than One Person interested in such Manor, according to the Definition of this Act, the Commissioners shall not proceed to an Inclosure on such Application, or certify in their annual general Report the Expediency thereof, unless the Person interested in the Land subject to be inclosed as aforesaid in right of such Manor, or his Substitute under this Act, shall consent to such Inclosure; and where there shall be more than One Person interested in such Manor the Commissioners shall not proceed to an Inclosure, or certify as aforesaid the Expediency thereof, in case such Persons, or the Majority of such Persons in respect of Interest, shall signify their Dissent within the Time limited by the Commissioners.

Allotments for Exercise and Recreation may be required as Conditions of Inclosure.

XXX. And be it enacted, That in the Provisional Order of the Commissioners concerning the Inclosure under the Provisions of this Act of any Waste Land of any Manor on which the Tenants of such Manor have Rights of Common, or of any other Land subject to Rights of Common which may be exercised at all Times of the Year for Cattle levant and couchant, or to any Rights of Common which may be exercised at all Times of the Year, and which shall not be limited by Number or Stints, it shall be lawful for the Commissioners to require, and in their Provisional Order to specify, as One of the Terms and Conditions of such Inclosure, the Appropriation of an Allotment for the Purposes of Exercise and Recreation for the Inhabitants of the Neighbourhood, not exceeding the Quantity herein-after mentioned applicable to each Case; that is to say, where the Land to be inclosed shall be situate in any Parish the Population of which according to the then last previous Parliamentary Census shall amount to or exceed Ten thousand Persons, Ten Acres; where the Land to be inclosed shall be situate in any Parish the Population of which according to such Census shall amount to or exceed Five thousand Persons and be less than Ten thousand Persons, Eight Acres; and where the Land to be inclosed shall be situate in any Parish the Population of which according to such Census shall amount to or exceed Two thousand Persons and be less than Five thousand Persons, Five Acres; and in every Case, except as aforesaid, not exceeding Four Acres; and if in the Provisional Order for such Inclosure the Commissioners shall not have required the Appropriation of an Allotment for the Purposes of Exercise and Recreation, the Commissioners shall in their annual general Report state the Grounds on which they shall have abstained from requiring such Appropriation.

Allotments for labouring Poor.

XXXI. And be it enacted, That in the Provisional Order of the Commissioners concerning the Inclosure under the Provisions of this Act of any Waste Land of any Manor on which the Tenants of such Manor have Rights of Common, or of any Land whatsoever subject to Rights of Common which may be exercised at all Times of the Year for Cattle levant and couchant as aforesaid, or to any Rights of Common which may be exercised at all Times of the Year, and which shall not be limited by Number or Stints, it shall be lawful for the Commissioners to require and specify as One of the Terms and Conditions of such Inclosure the Appropriation of such an Allotment for the labouring Poor as the Commissioners shall think necessary, with reference to the Circumstances of each particular Case,

Case, such Allotment, nevertheless, to be subject to a Rent-charge, to be payable thereout to any Person or Persons who may be entitled to Allotments under such Inclosure as herein-after provided; and if in the Provisional Order for such Inclosure the Commissioners shall not have required the Appropriation of an Allotment for the labouring Poor the Commissioners shall in their annual general Report state the Grounds on which they shall have abstained from requiring such Appropriation.

Acts for the Inclosure of Lands in pursuance of the Reports of the Commissioners to be deemed Public General Acts.

XXXII. And be it enacted, That in case by any Act of Parliament hereafter to be passed it shall be enacted that the Inclosures the Expediency of which shall have been certified by the Commissioners in their annual general Report as aforesaid, or any of them, be proceeded with, the same shall in every Case be proceeded with and completed according to the Provisions of this Act, and on the Terms and Conditions in the Provisional Order of the Commissioners specified in that Behalf; and every such Act of Parliament hereafter to be passed containing such Enactment as aforesaid shall be deemed a Public General Act.

Meeting for appointing Valuer.

XXXIII. And be it enacted, That as soon as conveniently may be after the passing of any Act of Parliament by which any Inclosure shall be directed to be proceeded with under the Provisions of this Act, or (in the Case of Land subject to be inclosed under this Act without the previous Direction of Parliament) as soon as conveniently may be after the Expiration of Thirty Days from the Publication by the Commissioners of the Notice of their Intention to proceed with an Inclosure under this Act, the Commissioners shall call a Meeting of the Persons interested in the Land to be inclosed, of which Twenty-one Days Notice shall be given by Advertisement, to be held for appointing a Valuer to divide, set out, and allot such Land, or so much thereof as shall not be directed to be set out for public Purposes, among the Persons interested therein, and to set out, divide, and improve, in such Manner as herein-after mentioned, so much thereof as shall be directed to be set out for public Purposes; and the Commissioners, if they shall so think fit, may appoint an Assistant Commissioner to be present and to preside at such Meeting, and to take the Votes of the Persons present thereat; and the Persons, or their Agents, present at the Meeting, or the Majority in Number, and the Majority in respect of Interest, may appoint a Valuer; and in case the Majority in Number and the Majority in respect of Interest shall not agree upon the Appointment, then the Commissioners shall appoint a Valuer: Provided always, that no Person shall in anywise act as an Assistant Commissioner in an Inclosure under this Act, or be appointed a Valuer in such Inclosure, who shall be interested in such Inclosure, or shall be the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of any Person so interested.

Instructions to Valuer.

XXXIV. And be it enacted, That at the Meeting for appointing a Valuer, or at some other Meeting called by the Commissioners for the Purpose, the Persons present, by themselves or their Agents, at such Meeting, or the Majority in Number and in respect of Interest

of

of such Persons, may resolve upon Instructions to the Valuer not inconsistent with the Terms and Conditions of the Provisional Order of the Commissioners, and of any Act hereafter to be passed by which the Inclosure may have been authorized, for the Appropriation of Parts of the Land proposed to be inclosed for such public Purposes as herein-after mentioned, or any of them; that is to say, for the Formation of public Roads and Ways; for widening or improving existing public Roads and Ways; for a Supply of Stone, Gravel, or other Materials for the Repairs of the Roads and Ways within the Parish in which such Land shall be situate; for the Formation of such public Drains, Watercourses, or Embankments as may appear conducive to the Health and Advantage of such Parish or the Neighbourhood; for the Formation or Improvement of public Ponds, Wells, and Watering Places; for a Place of Exercise and Recreation for the Inhabitants of the Neighbourhood; for Allotments or Field Gardens for the labouring Poor; for a Supply of Fuel for the Poor or other Inhabitants of such Parish; for Land for any Burying Ground, or enlarging any Burying Ground; for the Site of any Church or Chapel, Parsonage House, School, Workhouse, or Garden to be attached thereto respectively; or for any other Purpose of public Utility or Convenience, or for the general Convenience or Accommodation of the Persons interested in the Land to be inclosed; and also, upon Instructions to such Valuer, for the Formation, Alteration, or Improvement on the Land to be inclosed of private or occupation Roads and Ways, Common Ponds, Ditches, Watercourses, Embankments, Tunnels, Bridges, and Fences, or any of them, or any other Works for the Improvement of such Land, or for the Convenience of the Occupiers of the respective Allotments thereof; and also for the Adoption and Use, for the Purposes of the Inclosure, of a Copy of any Map or Plan which shall have been confirmed under the Hands and Seal of the Tithe Commissioners of the Land in question, or of any other Map or Plan of the Accuracy of which the Inclosure Commissioners shall be satisfied, or for making any new Survey, Map, or Plan; and as to all other Matters and Things which may be proper to be done in the Matter of the Inclosure; and also for the raising and Payment of all Expences incident to such Inclosure, either by Sale of Part of the Land proposed to be inclosed, or by such Rate as herein-after provided, as to the Persons present at such Meeting, or such Majority as aforesaid, shall seem fit; and the Majority in Number and Value as aforesaid may make any Agreement with the Valuer for the Payment of such Valuer for the Duties to be performed by him under this Act; and all such Instructions, and such Agreement (if any), shall be reduced into Writing, and shall be sent by the Assistant Commissioner (if any) present at the Meeting, or otherwise by the Chairman of the Meeting, to the Office of the Commissioners; and it shall be lawful for the Commissioners, having regard to the Protection of the Rights of all Persons interested in the Inclosure, to allow or disallow such Instructions, in whole or in part, or to make such Alterations therein or Additions thereto, not inconsistent with the Terms and Conditions of such Provisional Order and Act as aforesaid, and to allow or disallow such Agreement, as they shall think proper; and in case no Instructions shall have been so resolved upon, and sent to the Commissioners, or in case they shall disallow

the Instructions so resolved upon and sent, it shall be lawful for the Commissioners to frame such Instructions as they shall think proper, not inconsistent with the Terms and Conditions of such Provisional Order and Act as aforesaid; and in case no such Agreement shall have been sent, or the Agreement sent shall have been disallowed, it shall be lawful for the Commissioners to make such Order for the Payment of the Valuer as they shall think proper; and a Copy, under the Seal of the Commissioners, of all such Instructions, as the same shall have been allowed, altered, or framed as aforesaid, shall be delivered to the Valuer, with a Copy of such Provisional Order and Act of Parliament (if any) as aforesaid; and the Valuer shall in his Proceedings in such Inclosure observe and obey the Directions and Declarations of such Provisional Order, Act, and Instructions respectively.

Valuer may be assisted by an Assistant Commissioner.

XXXV. And be it enacted, That the said Valuer, upon the hearing and determining of any contested Claim or Objection, or upon awarding any Costs, as herein-after mentioned, shall, if he think proper, or if the Persons interested shall in their Instructions to the Valuer so direct, be assisted by an Assistant Commissioner, specially appointed as an Assessor, who shall be a practising Barrister-at-Law of Five Years standing at the least; and the Determinations of the said Valuer as to all such contested Claims and Objections, and Costs, shall be made pursuant to and in conformity with the Decisions of such Assessor: Provided nevertheless, that such Assessor shall not interfere further in the Execution of this Act than in settling what contested Claims shall be allowed or disallowed, and what Costs, if any, shall be allowed to or paid by any Parties making or objecting to such Claims.

Alterations in the Instructions to Valuer by Commissioners not to be acted upon unless sanctioned by a Majority of the Persons interested.

XXXVI. Provided always, and be it enacted, That if the Commissioners shall alter or add to the Instructions to the Valuer which shall have been resolved upon at a Meeting of the Persons interested as aforesaid, or shall disallow any such Instructions and frame other Instructions in lieu thereof, the Commissioners shall cause to be deposited for Inspection, as herein-before directed with respect to the Provisional Order, a Copy of the Instructions so altered, or of the Instructions so added to with the Additions, or of the Instructions so framed by the Commissioners, as the Case may be, and shall call a Meeting, with Fourteen Days Notice, of the Persons interested as aforesaid, for the Consideration thereof; and if such altered Instructions, or such Additions to the Instructions, or the Instructions so framed by the Commissioners, as the Case may be, shall not be approved by the Majority in Number and the Majority in respect of Interests of the Persons present at such Meeting or at some Adjournment thereof, or at some other Meeting of the Persons interested as aforesaid, called with such Notice as aforesaid, such Inclosure shall not be proceeded with unless and until some Instructions to the Valuer, resolved upon or approved by the Majority in Number and the Majority in respect of Interests at some Meeting of the Persons interested as aforesaid, called with such Notice as aforesaid, or at some Adjournment thereof, shall be finally allowed by the Commissioners.

A Surveyor may be appointed where the Parties interested think fit.

XXXVII. And be it enacted, That at the Meeting for appointing a Valuer, or at some other Meeting called by the Commissioners for this Purpose, it shall be lawful for the Persons, or their Agents, present at such Meeting, or the Majority in Number, and the Majority in respect of Interest (if they shall so think fit), to appoint a Surveyor for the Purposes of such Inclosure, to assist or act under the Directions of the Valuer in the Admeasurement, mapping, and setting out of the Lands to be inclosed.

Form of Declaration by Valuer.

XXXVIII. And be it enacted, That no Valuer shall be capable of acting until he shall have made and subscribed, before the said Commissioners or some Assistant Commissioner, Justice of the Peace, or Master Extraordinary in Chancery, the following Declaration; (that is to say,)

'I do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, perform all the Duties of a Valuer in the Inclosure of according to the Provisions of an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled .'

Which Declaration it shall be lawful for the Commissioners or any Assistant Commissioner, Justice, or Master Extraordinary in Chancery, to administer; and every such Declaration so made and subscribed shall be countersigned by the Person before whom the same shall have been made, and shall be sent by him to the Office of the Commissioners; and a Certificate, under the Seal of the Commissioners, that the Person named in such Certificate has been appointed a Valuer in the Matter of an Inclosure, and has made and subscribed the Declaration required by this Act, shall be conclusive Evidence of such Appointment, and of his having made and subscribed such Declaration.

Power to set out Boundaries of Parishes.

XXXIX. And be it enacted, That in case it shall be represented to the Commissioners by the Valuer acting in the Matter of any Inclosure, that the Boundaries of any Parish or Manor in which the Land proposed to be inclosed, or any Part thereof, shall be situate, and of any Parish or Manor adjoining thereto, are not then sufficiently ascertained and distinguished, it shall be lawful for the Commissioners, or any Assistant Commissioner by them appointed for that Purpose, after giving such Notices as they or he shall think necessary for the Protection of the Rights of all Persons interested in this Behalf, to ascertain and set out the same respectively in Writing under the Hand and Seal of such Assistant Commissioner, or under the Seal of such Commissioners; and after the said Boundaries shall be so ascertained and set out and fixed the same shall and are hereby declared to be the Boundaries of such Parishes and Manors respectively; and the Commissioners or Assistant Commissioner shall, within One Calendar Month after ascertaining and setting out the Boundaries, publish the same, by causing a Description thereof in Writing to be delivered to or left at the Place of Abode of One of the Churchwardens or Overseers of the Poor of each of the Parishes of which the Boundary shall be so

set out, and of the Lords of the several Manors of which the Boundary shall be so set out, or of the Stewards of the respective Manors, and shall give Notice that such Boundary has been so set out, and that such Description has been so left as aforesaid, by Advertisement: Provided always, that any Person interested in the Determination of the Commissioners or Assistant Commissioner respecting the said Boundaries, who shall be dissatisfied with such Determination, may within One Calendar Month next after the Publication of the said Boundaries, by delivering or leaving such Description as aforesaid, give Notice in Writing of his Dissatisfaction to the Commissioners, specifying the Particulars in respect whereof he may be dissatisfied, and request that the Matter in dispute may be submitted to the Determination of a Jury; or any Person dissatisfied may, within One Calendar Month after such Publication of the said Boundaries, give Notice in Writing to the Commissioners of such Dissatisfaction, and of such Particulars thereof, and of his Intention to apply to the Queen's Bench to remove the Determination of the Commissioners or Assistant Commissioner, by Certiorari, into the said Court; and in every Case in which any Person shall have requested that the Matter in dispute may be submitted to the Determination of a Jury as aforesaid, and no Notice shall have been given to the Commissioners by any Person, within the Time herein-before limited, of his Intention to apply to the Court of Queen's Bench to remove the Determination of the Commissioners or Assistant Commissioners, by Certiorari, as aforesaid, or such Determination shall not have been removed within the Time herein-after limited, the Commissioners shall and they are hereby required to issue a Warrant under their Hands and Seal to the Sheriff of the County in which the Parishes and Manors in question, or One of them, shall be situate, commanding such Sheriff to impannel, summon, and return, and such Sheriff is hereby accordingly empowered and required to impannel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of the Realm to be returned for Trial of Issues in Her Majesty's Courts of Record at *Westminster;* and the Persons so to be impannelled, summoned, and returned are hereby required to appear before any Assistant Commissioner specially appointed by the Commissioners for that Purpose at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Assistant Commissioner, or by some Person to be by him appointed, in such Manner as Juries for Trials of Issues joined in Her Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid such Sheriff shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Assistant Commissioner is hereby empowered and required to summon before him all Persons who shall be thought necessary to be examined

Appeal on Questions of Boundary.

examined as Witnesses touching the Matter in question, and may authorize or order the said Jury, or any Six or more of them, to view the Boundaries, or the Part thereof which is in controversy; and such Jury shall upon their Oaths, or being Quakers upon their Affirmations, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Assistant Commissioner is hereby empowered and required to administer,) inquire into and ascertain the said Boundaries, or such Part thereof as shall have been in controversy, and shall declare whether the said Boundaries, as described and set out and published as aforesaid, are or are not the true Boundaries of the respective Parishes and Manors respectively, and in case they shall declare that the same are not the true Boundaries, then shall declare in what Manner the Boundaries so described and set out and published as aforesaid ought to be amended, and shall give Verdict accordingly; and the Assistant Commissioner shall reduce such Verdict to Writing, and certify the same to the Commissioners, under his Hand and Seal; and in case such Jury shall have declared that the Boundaries so described and set out and published as aforesaid ought to be amended, the Commissioners shall amend the same in accordance with such Verdict, and such amended Boundaries shall thenceforth be conclusive on all Persons whomsoever.

Non-attendance of Jurymen.

XL. And be it enacted, That if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker to make Affirmation, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or being a Quaker affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse, to be judged of and determined by the said Assistant Commissioner, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; all which said Penalties and Forfeitures shall and may be recovered as Penalties and Forfeitures are recoverable under this Act.

Juries subject to same Regulations as if returned for any Court at Westminster.

XLI. And be it enacted, That every such Jury and Jurymen as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as if such Jury and Jurymen had been returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Westminster*.

Costs of Appeal.

XLII. And be it enacted, That in every Case in which the Verdict of a Jury shall be given in favour of the Person who shall have requested that such Jury be summoned, all the Costs of summoning such Jury and the Expences of Witnesses shall be defrayed by the Commissioners, and shall be Expences in the Inclosure in the Matter of which the Question shall have arisen, and such Costs and Expences shall be settled and determined by the said Assistant Commissioner as aforesaid; but if the Verdict of the Jury shall be given against such Person, the said Costs and Expences shall be defrayed by such Person;

Person; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may, by Warrant of the Commissioners, directed to any Person or Persons whomsoever, be levied by Distress; but in case such Person shall have requested such Jury to be summoned in pursuance of a Resolution of the Rate-payers of any Parish in Vestry assembled, the Costs and Expences so paid by him shall be repaid to him by the Overseers of the Poor of such Parish, out of the Poor's Rate, and shall be allowed in account to such Overseers.

Security for Costs to be taken by the Commissioners.

XLIII. And be it enacted, That every Person who shall be dissatisfied, and shall require a Jury to be summoned as aforesaid, shall at his own Costs, before the Commissioners shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond, with Two sufficient Sureties, to the Commissioners, in a sufficient Penalty, to prosecute the Complaint, and to bear and pay their Costs and Expences of summoning and returning such Jury, and taking such Verdict, and of the summoning and Attendance of Witnesses, in case the said Costs and Expences shall fall upon them.

Persons dissatisfied with Determination of Commissioners may appeal to Court of Queen's Bench.

XLIV. And be it enacted, That any Person interested in the Determination of the said Commissioners or Assistant Commissioner respecting the said Boundaries, who shall be dissatisfied with such Determination, and who shall, within the Time herein-before limited, have given to the Commissioners Notice in Writing of his Intention to apply to the Court of Queen's Bench, as herein-before mentioned, may, within Six Calendar Months next after Publication of the said Boundaries, move the Court of Queen's Bench to remove the said Determination of the Commissioners or Assistant Commissioner by Certiorari into the said Court, the Party making such Application giving (in addition to such Notice of his Intention as aforesaid) Eight Days Notice of such Application to the said Commissioners; and in case of Removal as aforesaid the Decision of the said Court therein shall be final and conclusive as to the Boundaries of such Parish or Manor; and after the Expiration of the said Term of Six Calendar Months the Determination of the Commissioners or Assistant Commissioner shall not be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere; and no Certiorari shall be allowed to remove such Determination unless the Party prosecuting the Certiorari shall before Allowance thereof enter into a Recognizance before One of the Justices of the said Court in the Sum of Fifty Pounds, with Condition to prosecute the same without wilful Delay, and to pay to the said Commissioners their full Costs and Charges within One Calendar Month after the Determination shall have been confirmed, to be taxed according to the Custom of the Court; and no Determination of a Jury under the Provision herein-before contained shall be removed or removeable by Certiorari; and in every Case in which any Determination of the Commissioners or of any Assistant Commissioner, respecting the Boundary of any Parish or Manor, shall be removed into the Court of Queen's Bench, it shall be lawful for the Court to direct the Trial of One or more feigned Issues upon such Points as the

Court shall think fit, and also to direct who shall be the Plaintiff or Plaintiffs, and who shall be the Defendant or Defendants, on such Trial, or to determine the same in a summary Manner, or otherwise dispose of the Question or Questions in dispute, and to make such other Rules and Orders therein, as to Costs and all other Matters, as may appear to be just and reasonable.

Power to straighten Boundaries.

XLV. And be it enacted, That for the Purpose of shortening or rendering straight any Boundary Fences between the Land to be inclosed and any adjoining Lands it shall be lawful for the Valuer acting in the Matter of any Inclosure, with the Consent in Writing of the Person interested in such adjoining Lands, to set out and determine the Boundaries between the Land to be inclosed and such adjoining Land, or to draw and define a new Line of Boundary, as he shall judge proper, for the Purposes aforesaid; and after such Boundaries shall have been so set out and determined as aforesaid, or such new Line of Boundary drawn and defined, the same shall be made, fenced, ditched, or mounded by such Person, in such Manner, and at such Times as the Valuer shall direct, and shall for ever thereafter be deemed the Boundaries and Limits of such respective Lands.

Valuer to hold Meetings.

XLVI. And be it enacted, That the Valuer acting in the Matter of any Inclosure shall from Time to Time hold such Meetings for the Examination of Claims, and otherwise in the Matter of such Inclosure, as Occasion shall require, and shall cause Notice to be given on the Church Door, and also like Notice to be given by Advertisement, of the Time and Place of the Meeting in the Matter of such Inclosure, and of each subsequent Meeting, in the like Manner, Fourteen Days at least before such respective Meeting (Meetings by Adjournment only excepted); and if from any Cause the Valuer shall think fit to adjourn or postpone any such Meeting, it shall be lawful for him to adjourn or postpone such Meeting to any future Day.

Claims to be delivered in Writing.

XLVII. And be it enacted, That all Persons claiming any Common or other Right or Interest in any Land proposed to be inclosed as aforesaid shall deliver such Claims in Writing to the Valuer acting in the Matter of such Inclosure, at such Meeting as the Valuer shall appoint for the Purpose, stating the several Particulars in respect whereof such Claims are made, and distinguishing the Claims in respect of Freehold, Copyhold, Customary, and Leasehold Property from each other, and mentioning therein the Places of Abode of the respective Claimants, or their Agents, at which Notices in respect of such Claims may be delivered; and no such Claim shall be received by such Valuer after the last Meeting to be held for that Purpose (of which Notice shall be given), except for some special Cause, to be allowed by the Commissioners.

Statement of Claims to be deposited for Examination.

XLVIII. And be it enacted, That a Statement of all Claims in the Matter of any Inclosure which shall have been delivered to the Valuer acting in the Matter of such Inclosure, as herein-before provided, shall be made, and deposited by him at some public Place within

within the Parish in which the Land to be inclosed, or the greater Part thereof, shall be situate; and the Valuer shall give Notice on the Church Door of such Parish and by Advertisement of such Statement having been deposited, and shall in such Notice limit such Time for the Delivery of Objections to Claims as the Commissioners under the Circumstances of each Inclosure shall think reasonable, and by Order under their Seal direct, or in case no Direction shall have been given by the Commissioners in this Behalf, then such Time as the Valuer shall think reasonable, not being less in any Case than Twenty-one Days after such Notice shall have been given; and every Person who shall object to a Claim shall deliver his Objection in Writing to the Valuer, and also deliver a Copy of such Objection at the Place of Abode of the Claimant or his Agent within the Time limited for Delivery of Objections to Claims as aforesaid; and no Objection to any such Claim shall be received by the Valuer after the Time so limited for the Delivery of Objections to Claims, unless for some special Cause to be allowed by the Commissioners; and after the Time limited for the Delivery of Claims shall have expired the Valuer shall cause Fourteen Days Notice to be given of the Time and Place of the Meeting for the Examination of such Claims, and for the Attendance of all Parties concerned therein; and at such Meeting the Valuer shall proceed to examine into and determine such Claims, and shall and may allow or disallow the same, in whole or in part, and make such Order therein, as to him shall appear just; and in case any Doubts or Difficulties shall arise respecting such Claims, or any Differences shall happen between any of the Claimants touching their respective Claims, or the relative Proportions of their Rights and Interests, the Valuer shall determine the same, and shall make such Order therein as to him shall appear just, which Order shall be final, unless any Party shall be dissatisfied with the Determination of the Valuer, and shall give Notice, as herein-after provided, of his Desire to have the Claim or Matter heard and determined by the Commissioners or an Assistant Commissioner, or in case the Commissioners shall think fit to revise such Determination, under the Power herein-after contained; and in case the Valuer, on the Determination of any Claim which shall have been objected to as aforesaid, or if any Objection which shall have been made to any Claim, shall see Cause to award any Costs, it shall be lawful for the Valuer, upon Application, to assess and award such Costs as he shall think reasonable to be paid to the Person in whose Favour any Determination shall have been made, and by the Person whose Claim or Objection shall have been disallowed; and in case any Person liable to pay such Costs shall neglect or refuse to pay the same, upon demand, or within Fourteen Days thereafter, the Valuer shall, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, cause such Costs to be levied by Distress; and if there shall be no Goods or Chattels whereon to levy such Costs it shall be lawful for the Person in whose Favour such Costs shall be awarded to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the Valuer, and in consequence of such Order, without setting forth any

Claims to be heard and determined by Valuer, subject to Appeal to Commissioners.

any other Proceedings under this Act: Provided always, that the Valuer may pay the Expences of any Witnesses, or of the Production of any Writings, Maps, Plans, and Surveys, or Copies thereof, where such Witnesses shall attend, or such Maps, Plans, Surveys, or Copies thereof shall be produced before such Valuer, only on the Request and for the Information or Guidance of the Valuer (and not on behalf of any Party in difference), such last-mentioned Expences to be considered as Part of the Expences of the Inclosure.

Titles not to be determined by Valuer, Commissioners, or Assistant Commissioners.

XLIX. Provided also, and be it enacted, That nothing in this Act contained shall extend to enable the Valuer, or the Commissioners, or any Assistant Commissioner, to determine the Title of any Lands, or to determine any Right between any Parties contrary to the actual Possession of any such Party (except in Cases of Encroachment as herein-after mentioned), but in case the Valuer, or the Commissioners or Assistant Commissioner, shall be of opinion against the Rights of the Party in possession, they or he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Party, or recovered from him in due Course of Law, or, where the Circumstances shall admit, such Valuer, or the Commissioners or Assistant Commissioner, may declare what Right is appendant or appurtenant to any Land or Hereditament, or otherwise declare by any sufficient Description the Rights of the Owner for the Time being of any Land or Hereditament, without declaring by Name who may be the actual Owner of such Land or Hereditament.

Encroachments within Twenty Years.

L. And be it enacted, That all Encroachments and Inclosures, other than Inclosures duly authorized by the Custom of any Manor of which such Land shall be Parcel, or otherwise according to Law, which shall have been made by any Person, from or upon any Part of the Land proposed to be inclosed, within Twenty Years next before the First Meeting for the Examination of Claims in the Matter of the Inclosure thereof, whether any Amerciament, Rent, or Money Payment or Acknowledgment shall or shall not have been paid or made in respect of the same, to or for the Use of the Lord of the Soil or any other Person, shall be deemed Parcel of the Land subject to be inclosed, and shall be divided, allotted, and inclosed accordingly: Provided always, that in case, under the Circumstances of any such Encroachments or Inclosures, it shall appear to the Commissioners just or reasonable that Rights or Interests in the Lands to be inclosed should be allowed to the Persons in possession of such Encroachments or Inclosures, it shall be lawful for the Commissioners, either in the Instructions to the Valuer, or by any subsequent Order under their Seal, to direct what Rights and Interests, either absolute or for any limited Terms or Estates, should be allowed in respect of such Encroachments, and the Valuer shall allow and declare such Rights accordingly: Provided also, that it shall be lawful for the several Persons who shall be in possession of any such Encroachments or Inclosures, or in the Receipt of the Rent thereof, at the Time of the Determination of Claims under this Act, to take down or remove all such Buildings, Fences, and other Erections as shall then be thereon, and to convert the Materials thereof to their own Use, within Two Calendar Months after Notice in Writing signed by the

Valuer given to such respective Persons, or posted on the Church Door; and in case any Dispute or Difference shall arise touching any such Encroachments or Inclosures, or as to the Extent thereof, such Dispute or Difference shall be determined by the Valuer.

School-houses, &c. not to be deemed Encroachments.

LI. Provided also, and be it enacted, That in case any such Land shall have been taken or used, at any Time before such First Meeting for the Examination of Claims, for the Erection of a School-house or the Appurtenances thereto, or for other such Purposes as in the Opinion of the Commissioners shall be charitable or parochial Purposes, such Land so taken or the Erections made thereon, shall not be taken or deemed to be of the Nature of an Encroachment within the Meaning of this Act; but where such Land shall have been so taken for the Purposes aforesaid within Twenty Years next before such First Meeting for the Examination of Claims, it shall be lawful for the Commissioners, where it shall appear just and desirable for the Purposes of Inclosure, to direct that such Land be deemed Parcel of the Land subject to be inclosed, and be divided, allotted, and inclosed accordingly, and that Compensation be made to the Persons in possession thereof, or to Trustees for the Purposes for which such Land shall have been so taken or used, by adequate Allotments of the Lands so to be inclosed.

Encroachments of Twenty Years standing to be deemed ancient Inclosures.

LII. Provided always, and be it enacted, That all Lands which shall have been inclosed from any Land subject to be inclosed under this Act for more than Twenty Years next preceding the Day of the First Meeting for the Examination of Claims in the Matter of such Inclosure, shall for the Purposes of this Act be deemed and taken to be ancient Inclosures, but not so as to carry any Right of Common, or Compensation or Allotment for or in respect of Right of Common, which might be claimed in respect of ancient Inclosures.

Rights in respect of Tofts to be allowed.

LIII. And be it enacted, That all Tofts, Foundations, or Sites of ancient Commonable Messuages or Cottages, shall, upon Proof being made to the Satisfaction of the Valuer acting in the Matter of any Inclosure that Commonable Messuages or Cottages formerly stood thereon, be deemed Commonable Messuages or Cottages, and the respective Proprietors thereof shall be entitled to the same Compensation for the Rights of Common originally belonging thereto as if such Messuages or Cottages were still standing.

Rights not sustainable in Law to be allowed upon Proof of Sixty Years Usage.

LIV. And be it enacted, That where any Claim shall be made to any Right of Common or other Right which in the Judgment of the Valuer, or of the Commissioners or Assistant Commissioner, could not be sustained in Law, but Proof shall be made to the Satisfaction of the Valuer, or of the Commissioners or Assistant Commissioner, that there has been Enjoyment under the Right so claimed for the Space of Sixty Years or upwards next before the First Meeting for the Examination of Claims in the Matter of such Inclosure, it shall be lawful for the Valuer, or the Commissioners or Assistant Commissioner, to allow such Claims, in such and the same Manner as if the Right so claimed might have been legally sustained and established.

Schedule of Claims allowed by Valuer to be made and deposited for Inspection.

LV. And be it enacted, That after the Valuer shall have heard and determined all Claims and Objections which shall have been made in the Matter of an Inclosure he shall cause a Schedule of such Claims and Objections, and of his Determinations thereon, to be deposited, and to remain for Thirty Days at the least, for the Inspection of all Persons interested therein, at some public Place within the Parish in which the Land to be inclosed, or the greater Part thereof, shall be situate, and shall cause Notice to be given on the Church Door of such Parish, and by Advertisement, of such Deposit, and shall also send a Copy of such Schedule to the Commissioners, and shall furnish any Explanations or Information in relation thereto to the Commissioners, as they shall require; and in case any Party dissatisfied with any Determination of the Valuer as aforesaid shall, within Thirty Days next after Notice by the Valuer of such Deposit of the said Schedule, cause to be delivered to the Commissioners Notice in Writing of such Dissatisfaction, and of the Desire of such Party to have the Claim or Matter so determined by the Valuer heard and determined by the Commissioners or by an Assistant Commissioner, or in case the Commissioners shall, on the Representation of any Persons interested in such Inclosure, or on the Information given by the Valuer in relation to such Schedule, be of opinion that all or any of the Determinations of such Valuer shall have been made without due Consideration of the legal Rights of the Parties interested, or shall be erroneous, then and in any such Case the Commissioners shall forthwith give Notice, in such Manner as they shall think fit, appointing some convenient Place and Time for holding a Meeting to hear and determine the Claim or Matter which shall be so desired to be reheard, or all or any of the Claims or Matters which shall be mentioned in the said Schedule, as the Commissioners shall think fit; and the Commissioners, or any Asssistant Commissioner specially empowered for that Purpose, shall rehear and determine such Claim or Matter; and the Determination of the Commissioners or such Assistant Commissioner shall be final and conclusive, and shall be binding on the Valuer acting in the Matter of such Inclosure, unless any Party dissatisfied therewith shall try his Right by an Issue at Law, as herein-after provided.

Claims may be reheard by Commissioners or an Assistant Commissioner.

Appeal against Determination of the Commissioners.

LVI. Provided always, and be it enacted, That if any Person claiming to be interested in any Land proposed to be inclosed under this Act shall be dissatisfied with any Determination of the Commissioners or Assistant Commissioner concerning any Claim or Interest in or to the Land proposed to be inclosed under the Powers herein-before contained, and shall cause Notice in Writing of such Dissatisfaction to be delivered to the Commissioners within Thirty Days next after Notice of such Determination shall have been given to the several Parties or Persons specially interested, if any such there be, it shall be lawful for such Person so dissatisfied, and giving such Notice as aforesaid, to bring an Action upon a feigned Issue against the Person in whose Favour such Determination shall have been made, or against the Commissioners, and to proceed to a Trial at Law at the then next Assizes, or at the Assizes immediately following such next Assizes, to be holden for the County wherein the Land relating to which such Dispute shall arise shall be situate; and the

Defendant in such Action shall, upon being served with the usual Process therein, appear thereto, and accept One or more Issue or Issues, whereby such Claim, and the Right and Interest thereby insisted upon, may be tried and determined, such Issue to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the Parties shall differ about the same; and the Verdict given upon the Trial of such Action shall be binding and conclusive upon all Parties thereto, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had; and after such Verdict shall be given, and final Judgment obtained thereon, the Commissioners shall act in conformity thereto, and allow or disallow the Claim thereby determined according to the Event of such Trial; and the Costs attending any such Action shall abide the Event of the Trial.

Determination of Commissioners not appealed against conclusive.

LVII. Provided always, and be it enacted, That if no such Notice of Dissatisfaction shall be given, or if no such Action at Law shall be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff therein shall not proceed to Trial within the Time herein-before limited for that Purpose, unless the Court for sufficient Cause put off the Trial, then the Determination of the said Commissioners or Assistant Commissioner shall be final and conclusive.

Actions not to abate.

LVIII. And be it enacted, That if any Person, Plaintiff or Defendant in any Action to be brought as aforesaid, shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Event had happened, the Heir or Devisee, or other Person entitled to the Interest of the deceased Party in the Matter in question, being served with Process in the Action; and if any Person in whose Favour such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before any Action brought, it shall be lawful for the Person who might have brought such Action to bring the same, within the Time so limited as aforesaid, against such Person as if actually living, and to serve the Commissioners with Process for commencing such Action, in the same Manner as the deceased Person might have been served therewith if living, and it shall thereupon be incumbent on the Commissioners to serve with such Process the Heir or Devisee or personal Representative of the deceased Person, or other the Person who shall claim the Benefit of such Determination as aforesaid; and on such Process being served such Heir or Devisee or personal Representative, or other Person, shall appear and defend such Action in the Name of the Person so dead, and Proceedings shall be had therein in the same Manner as if such Person had been living, and the Rights, Interests, and Claims of all Parties shall be equally bound by the Event of any Action so brought or continued as aforesaid as if the Death of any of the Persons interested therein had not occurred.

Commissioners may award Costs.

LIX. And be it enacted, That in case the Commissioners, or any Assistant Commissioner appointed to hear and determine any Claim or Matter in pursuance of this Act, shall see Cause to award any Costs, it shall be lawful for the Commissioners or Assistant Commissioner,

sioner, upon Application, to assess and award such Costs as they or he shall think reasonable to be paid to the Person in whose Favour any Determination of the Commissioners or Assistant Commissioner shall have been made, and by the Person whose Claim or Objection shall have been disallowed; and in case any Person liable to pay such Costs shall neglect or refuse to pay the same upon Demand, or within Fourteen Days thereafter, the Commissioners or Assistant Commissioner shall, by Warrant directed to any Person or Persons whomsoever, cause such Costs to be levied by Distress; and if there shall be no Goods and Chattels whereon to levy such Costs it shall be lawful for the Person in whose Favour such Costs shall be awarded to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the Commissioners or Assistant Commissioner, and in consequence of such Order, without setting forth any other Proceedings under this Act.

Differences may be submitted to Arbitration.

LX. Provided always, and be it enacted, That in case any Person herein-before authorized to bring an Action upon a feigned Issue, and the Person against whom such Action might be brought, shall be desirous of submitting the Matter in dispute or difference to the Arbitration of any Arbitrator, or of any Arbitrators and Umpire, it shall be lawful for such Persons to submit such Matter in dispute accordingly, and such Submission shall be irrevocable, and the Decision thereupon shall be binding on both Parties, and be obeyed accordingly, and the Costs of such Arbitration shall abide the Event; and the Commissioners may require each of the Persons in difference upon any such Submission to Arbitration to give such Security for the Payment of the Costs of such Arbitration as the Commissioners shall think fit.

Power to Valuer to make Watercourses, &c.

LXI. And be it enacted, That it shall be lawful for the Valuer acting in the Matter of any Inclosure to set out and make such Common Ponds, Ditches, Watercourses, Embankments, Tunnels, and Bridges, of such Extent and Form and in such Situations as he shall deem necessary, and as shall not be inconsistent with the Terms and Conditions and Instructions herein-before mentioned, in the Land to be inclosed, and also to enlarge, cleanse, or alter the Course of and improve any of the existing Ditches or Watercourses, Embankments, Tunnels, or Bridges, as well in and over the same Land as also in any ancient Inclosures or other Lands in the Parish or respective Parishes in which the Land to be inclosed may be situate, as the Valuer shall deem necessary, making such Satisfaction to the Proprietors of such ancient Inclosures or Lands, for the Damage done thereby, as the Valuer shall think just; and the Expence of making and enlarging, altering and cleansing such Ponds, Ditches, Watercourses, Embankments, Tunnels, and Bridges, when the same shall be first done in pursuance of this Act, if not otherwise provided for, shall be raised and paid in the same Manner as the other Expences of the Inclosure; but all such Ponds, Ditches, Watercourses, Embankments, Tunnels, and Bridges shall at all Times afterwards be repaired, cleansed, and maintained by such Persons and

and in such Manner as the Valuer shall direct; provided that no Watercourse be diverted or turned without the Consent in Writing of the Person interested in the Land from which the same may be diverted, and of the Person interested in the Lands into which the same may be turned, or to the Prejudice of any Person interested in such Watercourse, except with his Consent in Writing; and that no Ditch or Watercourse, Embankment, Tunnel, or Bridge, be enlarged or altered on any Land other than the Land to be inclosed, without the Consent in Writing of the Person interested in such Land.

Power to alter Roads and Ways.

LXII. And be it enacted, That in the first place the Valuer acting in the Matter of any Inclosure shall and may, before he shall proceed to make any of the Divisions and Allotments of the Land to be inclosed in pursuance of or in any Manner not inconsistent with the Instructions given to such Valuer as aforesaid, set out and make public Roads and Ways, and widen public Roads and Ways, in or over the Land to be inclosed, and stop up, divert, or alter any of the Roads or Ways passing through the Land to be inclosed, or through any old Inclosures in the Parish or respective Parishes in which the Land to be inclosed shall be situate; and the Soil of such of the Roads and Ways so to be discontinued and stopped up as pass through the Lands to be inclosed shall be deemed Part of the Lands to be inclosed: Provided always, that nothing herein contained shall authorize the altering or diverting any Turnpike Road, unless the Consent of the Majority of the Trustees of such Turnpike Road, assembled at a public Meeting called for that Purpose, be first obtained: Provided also, that before any public Road or Way shall be discontinued, diverted, stopped up, or altered by the Valuer acting in the Matter of any Inclosure, the Valuer shall cause to be affixed at each End of such Road or Way a Notice to the Effect that the same is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, from and after a Day to be mentioned in such Notice; and the Valuer shall also cause the same Notice to be given by Advertisement for Four successive Weeks, and also on the Church Door on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so given such Road or Way shall, from and after the Day in such Notice mentioned, be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject, however, to such Appeal as is hereinafter mentioned.

Appeal to Quarter Sessions.

LXIII. And be it enacted, That it shall be lawful for any Person, within Four Months after the First *Sunday* on which such Notice shall have been given on the Church Door of the Intention that such Road or Way should be discontinued, stopped up, diverted, or altered, as the Case may be, to make his Complaint thereof by Appeal to the Justices of the Peace at the Quarter Sessions for the County, Riding, Division, or other Jurisdiction in which such Road or Way, or the greater Part thereof, shall be situate, upon giving to the Valuer Fourteen Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof; but it shall not be lawful for the Appellant to be heard in support of such Appeal unless

such Notice and Statement shall have been given as aforesaid, nor on any Hearing of Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Trial of Appeal.

LXIV. And be it enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purpose of determining whether such public Road or Way shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be thereby injured or aggrieved, impannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that such Road or Way is unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such Appeal, and shall award the Costs of resisting the said Appeal to be paid by the Appellant to the Valuer, and the same shall be recoverable in the same Manner as any Penalties and Forfeitures are recoverable under this Act; but if the said Jury shall return a Verdict that such Road or Way is not unnecessary, and that the same could not beneficially to the Public be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved thereby, the said Court shall allow such Appeal, and such public Road or Way shall not be discontinued, stopped up, diverted, or altered, or in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal, and such Costs shall be paid by the said Valuer out of the Monies to be raised for the Expences of the Inclosure: Provided always, that in every Case in which any such Appeal as aforesaid shall be made by the Surveyor of the Highways of any Parish or Place, under the Direction of the Inhabitants of such Parish in Vestry assembled, or, where there shall be no Vestry Meeting in such Place, under the Direction of the Inhabitants contributing to Highway Rates assembled at any Meeting of which Fourteen Days Notice shall have been given by Advertisement and on the Church Door, then, although such Appeal shall be dismissed, the Costs of prosecuting such Appeal, and also such Costs as shall be awarded to be paid by the Appellant to the Valuer, shall be paid out of the Highway Rate of such Parish or Place.

Roads to be fenced.

LXV. And be it enacted, That such public Carriage Roads so to be set out as aforesaid shall be well and sufficiently fenced on both Sides, by such of the Persons interested in the Land to be inclosed, and within such Time, as the Valuer acting in the Matter of such Inclosure shall direct; and the Valuer shall form and complete such Parts of the said public Roads and Ways as shall be newly made; and every such public Road and Way to be set out and made under this Act shall be of the Width required by the Act of the Sixth Year of King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* England, for a Road or Way of the like Description, which may be dedicated to the Use of the Public.

5 & 6 W. 4. c. 50.

LXVI. And

Expences of making and altering Roads.

LXVI. And be it enacted, That the Expences attending the purchasing of the Soil of all such public Roads and Ways as aforesaid, and the making, the stopping up, discontinuing, diverting, widening, and altering of such Roads and Ways, and the Money Compensation in respect thereof, upon any Inclosure, shall be paid in such Manner as the Expences of such Inclosure shall be directed to be paid.

Roads to be repaired by the Parish after Certificate by Two Justices of the Peace.

LXVII. And be it enacted, That when and so soon as Two or more of Her Majesty's Justices of the Peace for the County, Riding, Division, or Jurisdiction in which the Lands to be inclosed shall be situate shall certify any of the public Roads and Ways to be set out in pursuance of this Act on any Inclosure to be sufficiently formed and completed, such Roads shall thenceforth be kept in repair by such Persons and in such Manner as the public Roads within the said Parish are or ought by Law to be kept in repair; and every such Certificate shall, at the Quarter Sessions of the Peace to be holden for the said County, Riding, Division, or Jurisdiction next after the Date thereof, be filed of Record by the Clerk of the Peace.

Private Roads.

LXVIII. And be it enacted, That the Valuer acting in the Matter of any Inclosure shall and may set out such private or occupation Roads and Ways through the Lands to be inclosed as he shall think requisite, for the Use of the Persons interested in such Lands or any of them; and any Expences which the Valuer may incur relative to the setting out or Formation or Completion of such private Roads and Ways, or any of them, shall, unless the Valuer shall otherwise direct, be paid in the same Manner as the other Expences of the Inclosure; and such Expences of the Formation and Completion of such private Roads and Ways as the Valuer shall direct shall be borne by, and after the Formation and Completion of such private Roads and Ways the same shall be maintained and kept in repair by and at the Expence of the Owners and Proprietors for the Time being of the Land inclosed, or such of them, and in such Shares and Proportions and in such Manner as the Valuer shall direct; and after such private Roads and Ways shall have been set out and made the Grass and Herbage arising thereon shall for ever belong to and be for the Use of such Persons interested in the Lands to be inclosed as the Valuer shall direct, and in the Absence of such Direction shall belong to the Proprietors of the Land to be inclosed which shall next adjoin the said Roads and Ways on either Side thereof as far as the Crown of the Road; and after such setting out as aforesaid all private or occupation Roads or Ways over, through, and upon the Lands to be inclosed which shall not be set out as aforesaid shall be for ever stopped up and extinguished.

Rights of Common may be suspended.

LXIX. And be it enacted, That it shall be lawful for the Valuer acting in the Matter of any Inclosure, before the making of the Award, when the Commissioners shall think necessary for the Purpose of the Inclosure, and by Order under their Seal authorize or direct, by Notice on the Church Door to order all or any Part of the Rights of Sheepwalk, Common or other Rights, in or over the Land to be inclosed or any Part thereof, to be extinguished from such Time or the Exercise thereof to be suspended during such Time as shall be

be expressed in such Notice, and from the Time mentioned in such Notice such Rights shall be extinguished or suspended accordingly; and if during the Suspension or after the Extinguishment of any such Rights of Sheepwalk, Common or other Rights as aforesaid, any Person shall permit his Horses, Cattle, Sheep, or Swine to go or depasture upon any of the Lands over which such Rights shall be suspended or extinguished, it shall be lawful for the Valuer acting in the Matter of the Inclosure, or any other Person by his Order (testified in Writing under his Hand), or any of the Persons interested in such Lands or in the Inclosure thereof, to distrain such Horses, Cattle, Sheep, or Swine being upon such Lands contrary to such Order, and to impound the same until the Person so offending shall pay to the Person so distraining such Sum of Money as the Valuer shall by Writing under his Hand have previously ordered, not exceeding Ten Shillings for each Horse or Head of Cattle, and Five Shillings for each Sheep or Swine so distrained; and in case the same shall not be paid within Seven Days after the same shall have been impounded the Valuer is hereby authorized to recover the same by way of Penalty, as herein-after mentioned.

Course of Husbandry may be directed.

LXX. And be it enacted, That it shall be lawful for the Valuer acting in the Matter of any Inclosure, at such Time as he shall think fit, by Notice on the Church Door, to direct the Course of Husbandry and the Stint or Rule of Stocking that shall be observed upon the Land to be inclosed, until the Time when the Inclosure thereof shall be completed, as well with respect to the laying down, ploughing, sowing, fallowing, manuring, and tilling thereof, as to the stocking and feeding of the Commonable Lands and Fallows or Stubbles upon the same, and to direct such Recompence to be made as he shall think right to any Person injured by such Directions, all which Directions shall be binding upon all Parties interested, their Farmers and Tenants; and the Valuer shall impose such pecuniary Penalties on every Person not conforming to such Directions as he shall think necessary, not exceeding the Sum of Five Pounds *per* Acre in the Case of cross-cropping, or withholding from the Land its due Proportion of Manure, or Ten Pounds in any other Case, for any One Offence, and shall also determine, in all Cases where the Tenant is entitled by Agreement or Custom to the Manure arising from the Lands in his Occupation, by whom and in what Sum of Money such Tenant shall be compensated for any such Manure left or given up by him; and such Penalties and other Sums of Money shall be recovered in the same Manner as by this Act directed for the Recovery of Penalties.

Compensation for growing Crops.

LXXI. And be it enacted, That the Valuer acting in the Matter of any Inclosure shall by Writing under his Hand order what Recompence in Money shall be made to the Owner of any Crops growing, according to his Agreement or Lease, or according to the customary Mode of Cultivation within the Parish in which the Land to be inclosed shall be situate, upon such Land, at the Time of the Division, Allotment, and Inclosure, for the said Crops, by the Person to whom the Land on which such Crops are growing shall be allotted, and also what Recompence in Money shall be paid, and by whom, to

any Tenant or Occupier of Land, as well for the ploughing, tilling, cultivating, manuring, or folding any Land to be inclosed, for the Benefit accruing thereby to the Person to whom such Land shall be allotted, or for any Loss or Disadvantage which any Tenant or Occupier may sustain by the Loss of his following or way-going Crops upon the Land to be inclosed; and if in any of the said Cases the Money to be paid for such Recompence be not paid at the Time and in the Manner ordered by the Valuer, then the same may be recovered by the Person entitled thereto, from the Person liable to pay the same, in the same Manner as Penalties and Forfeitures are recoverable under this Act.

Allotment for Repair of Roads.

LXXII. And be it enacted, That the Valuer acting in the Matter of any Inclosure shall allot to the Surveyor of the Highways for the Time being of the Parish in which the Land proposed to be inclosed, or any Part thereof, shall be situate, and to his Successors for ever, such Part of the Land proposed to be inclosed as by the Instructions given to such Valuer shall have been directed to be appropriated for supplying Stone, Gravel, or other Materials for the Repairs of Roads and Ways, as aforesaid, or in case no such Instructions shall have been given in this Behalf, and the Valuer shall think an Allotment necessary for the Purposes aforesaid, such Part as the Valuer shall think fit; and such Allotments shall be inclosed and fenced as the Valuer shall direct, and shall from the Confirmation of the Award be vested in the Surveyor of the Highways within the said Parish for the Time being, in trust for the Purposes aforesaid; and the Grass and Herbage of such Allotments shall belong to such Persons as by the Valuer shall be directed, and if he shall make no such Direction then such Surveyor shall from Time to Time let any such Allotment, reserving the Right to get and take away such Stone, Gravel, and other Materials when and as he shall think fit, for the most Money that can be obtained for the same, and shall apply the Rents and Profits towards the Repairs of the public Roads or Highways within the said Parish; and the said Surveyor shall account for such Rents and Profits in the same Manner as he is by Law accountable for other Monies that shall come to his Hands in the Capacity of Surveyor of the Highways, and shall be subject to the like Penalties for the Neglect thereof.

Allotments for public Purposes.

LXXIII. And be it enacted, That the Valuer acting in the Matter of any Inclosure shall and may, in pursuance of the Directions of or in any Manner not inconsistent with the Directions of the Provisional Order of the Commissioners, or any Act hereafter to be passed, or the Instructions given to such Valuer as aforesaid, set out and allot such Part of the Lands to be inclosed as by such Provisional Order or Act or Instructions respectively shall have been directed to be appropriated as a Place of Exercise and Recreation for the Inhabitants of the said Parish and Neighbourhood; and such Allotment shall, unless the same shall be otherwise awarded under the Provision herein-after contained, be made and awarded to the Churchwardens and Overseers for the Time being of the Parish in which the same shall be situated, and shall be held by the Churchwardens and Overseers for the Time being of the said Parish for the Purposes aforesaid,

aforesaid, and shall be in the first instance fenced, and, where Occasion shall require, drained and levelled by the Valuer, the Expence in such Case to be considered Part of the Expences of the Inclosure, or shall be fenced by any Person to whom adjoining Land shall be allotted, as the Valuer may direct; and the Fences of such Allotment shall for ever afterwards be repaired and maintained, and the Surface thereof kept drained and level, by such Churchwardens and Overseers, or by the Churchwardens and Overseers of the several Parishes interested therein, in such Proportions and Manner as shall be directed by the Valuer, out of the Rents to be received for the Herbage of the said Allotment, or out of the Poor Rate of the said Parish or respective Parishes, or otherwise; and the Grass and Herbage growing upon such Allotment may be from Time to Time let by the Churchwardens and Overseers in whom the same shall be vested, and the Rents which shall be received by them for the same shall be by them from Time to Time applied, in the first place, in maintaining and repairing the Fences of the said Allotment, and keeping the Surface thereof drained and level, as aforesaid, and, subject thereto, in aid of the Rates for the Repair of the public Highways in the said Parish or respective Parishes; and the Valuer shall in like Manner set out and allot such Part of the Land to be inclosed as by such Provisional Order or Act or Instructions as aforesaid shall have been directed to be appropriated as an Allotment for the labouring Poor unto the Churchwardens and Overseers of the Poor of the Parish in which such Allotment shall be situate, subject nevertheless to a Rent-charge to be payable thereout to any Person or Persons who may be entitled to Allotments under such Inclosure, as herein-after provided; and the said Valuer shall in like Manner, in pursuance of the Directions of or in any Manner not inconsistent with the Directions of such Provisional Order or Act or Instructions as aforesaid, set out and allot, for the other public Purposes mentioned in such Provisional Order or Act or Instructions as aforesaid, such Parts of the Land to be inclosed as shall have been thereby respectively directed to be set apart for such Purposes, and such Allotments shall be made to such Persons respectively, with such Regulations and Provisions as to the Fencing, Maintenance, Use, and Enjoyment thereof respectively, as the Valuer, with the Approbation of the Commissioners, shall direct; and in every Case in which the Valuer, with such Approbation of the Commissioners, shall not think it necessary or proper to direct the same to be otherwise made, such Allotments shall be made to the Churchwardens and Overseers of the Poor for the Time being of the Parish in which such Allotments shall be situate; and all Allotments which shall be made to the Churchwardens and Overseers under this Act shall be held by the Churchwardens and Overseers of the Poor for the Time being in the same Manner and with the same legal Powers and Incidents as if the same Allotments were Lands belonging to the Parish, but in trust nevertheless for the Purposes for which the same shall be allotted, and subject, as to the said Allotment for the labouring Poor, to the Provisions in relation thereto herein-after contained, and as to all other such Allotments, subject to such Directions for the Maintenance, Fencing, Management, and Use thereof as the Valuer, with the Approbation of the Commissioners, may think fit.

LXXIV. Provided always, and be it enacted, That it shall be lawful for the Valuer, with the Approbation of the Commissioners, to set out and allot such Land as shall be appropriated as a Place of Exercise and Recreation as aforesaid to any Person entitled to an Allotment under the Inclosure, and who shall consent to receive the same in full or in part of his Allotment; and the Person to whom the Land so to be appropriated shall be allotted, and all future Owners thereof, shall, unless it shall be otherwise directed by the Award, be subject to the Obligation of maintaining the Fences of such Land, and of preserving the Surface thereof in good Condition, and of permitting such Land to be at all Times used for Exercise and Recreation by the Inhabitants of the Parish and Neighbourhood, and, subject to such Obligations, the Herbage of such Land shall belong to the Person to whom such Land shall be so allotted.

Provision for awarding Allotments for Exercise to Individuals, subject to the Obligation of permitting it to be used.

LXXV. And be it enacted, That every Allotment which shall be made and awarded for the labouring Poor may be so awarded subject to and chargeable with a clear Rent-charge or clear Rent-charges, not exceeding in the whole the net annual Value of the Allotment in its actual Condition at the Time of making the same; and every such Rent-charge shall be deemed at the Time of the Confirmation of the Award to be of the Value of such Number of Imperial Bushels and Decimal Parts of an Imperial Bushel of Wheat, Barley, and Oats as the same would have purchased at the Average Prices during the Seven Years ending on the *Thursday* next before *Christmas Day* One thousand eight hundred and thirty-five, as the same were ascertained by the Advertisement inserted in the *London Gazette* under the Provisions of the Act of the Seventh Year of King *William* the Fourth, intituled *An Act for the Commutation of Tithes in* England *and* Wales, in case One Third Part of such Rent-charge had been invested in the Purchase of Wheat, One Third Part thereof in the Purchase of Barley, and the remaining Third Part thereof in the Purchase of Oats, and the respective Quantities of Wheat, Barley, and Oats so ascertained shall be stated in the Award; and every such Rent-charge shall be paid by equal half-yearly Payments on the First Day of *July* and the First Day of *January*, the first of such half-yearly Payments to be made on the first of such half-yearly Days after the Expiration of Three Years from the Date of the Confirmation of such Award; and such Sum of Money shall be payable in respect of such yearly Rent-charge as according to the Prices ascertained by the then next preceding Advertisement for the Purposes of the said Act of the Seventh Year of King *William* the Fourth would have been payable in respect of a Rent-charge of like Amount charged on Lands under the Provisions of such Act; and the Sum of Money thenceforth payable in respect of such Rent-charge charged under the Provisions of this Act shall vary so as always to consist of the Price of such Number of Bushels and Decimal Parts of a Bushel of Wheat, Barley, and Oats respectively, according to the next preceding Advertisement for the Time being, in like Manner as if the same had been a Rent payable under the Provisions of the said Act of the Seventh Year of King *William* the Fourth; and the Persons entitled to any Rent-charge charged under the Provisions of this Act shall have the same Powers and

Allotments for the labouring Poor may be made subject to a Corn Rent-charge, to vary and be recoverable as a Tithe Rent-charge.

6 & 7 W. 4. c. 71.

and Remedies for enforcing Payment thereof in all respects as are by the said Act of the Seventh Year of King *William* the Fourth, or by any Act for amending the same, given to the Persons entitled to Rent-charges charged under the said Act of the Seventh Year of King *William* the Fourth for recovering and enforcing Payment of such last-mentioned Rent-charges; and nothing herein or in such Award contained shall render any Person personally liable to the Payment of any Rent-charges to be charged under the Provisions of this Act: Provided always, that when such Allotment, or any Part thereof, shall be let and occupied as Gardens under the Provisions herein-after contained, the Person for the Time being entitled to the Rent-charge charged thereon shall not distrain for such Rent-charge on the Occupiers of such Gardens, but the Person so entitled may, in case such Rent-charge shall be in arrear, give Notice to the Occupiers of such Gardens, and to the Allotment Wardens, or any of them, and shall thenceforth, until the Arrears of such Rent-charge, with all Expences occasioned by the Nonpayment thereof, shall be fully paid, be entitled to receive all the Rent which after such Notice shall accrue in respect of such Gardens, and shall have the same Remedies for recovering such Rent, and the same Powers of determining the Tenancy of such Occupiers, and of letting and dealing with such Allotment, as such Allotment Wardens would have had in case such Rent-charge had not been in arrear; and in case the said Allotment Wardens, or any of them, after such Notice shall have been given to them as aforesaid, and before the Arrears of such Rent-charge, with all such Expences as aforesaid, shall have been fully paid, shall receive any Rent from the Occupiers of such Gardens, such of the Allotment Wardens as shall have received such Rent shall, on demand, pay to the Person then entitled thereto the Arrears of the said Rent-charge then remaining unpaid, and the Expences occasioned by the Nonpayment thereof; and in default of such Payment, on demand, such Arrears of Rent-charge and Expences may be recovered from the Allotment Wardens liable to pay the same as Penalties are recoverable under this Act.

Allotment to the Lord of the Manor.

LXXVI. And be it enacted, That after the several Allotments herein-before directed shall have been set out and made, and after making Provision for the Payment of the Expences by Sale of Land, in case the Expences shall be so directed to be paid, the Valuer acting in the Matter of any Inclosure shall allot and award unto the Lord of the Manor so much and such Part of the Land proposed to be inclosed as shall in the Judgment of the Valuer be equal (Quantity and Value considered) to such a Part of the Residue of such Land as shall be proportioned to his Right or Interest therein, according to the Directions of the Provisional Order of the Commissioners, in lieu of his Right and Interest in the Soil of the said Land, exclusive of any other Allotments which may be made to such Lord in lieu of or in satisfaction for any other Rights or Interests in such Land to which he may be entitled, and which shall not have been included in the Estimate in such Provisional Order of his Right and Interest; and in case it shall have been declared by such Provisional Order that the Right or Interest of the Lord has been estimated exclusively of his Right or Interest in all or any of the Mines, Minerals, Stone, and other

other Substrata under the Land to be inclosed, then the Valuer shall and may, on the Request in Writing of the Lord, reserve or award to the Lord such Rights and Easements for searching for, working, and carrying away such Mines, Minerals, Stone, or other Substrata which shall not have been included in such Estimate of his Right and Interest, subject to such Provisions for Compensation for Damage to be done to the Surface in the Exercise of such Rights and Easements, as by the Valuer, with the Approbation of the Commissioners, shall be thought reasonable, and as shall not be inconsistent as to the Terms of such Provisional Order.

Allotment of Residue.

LXXVII. And be it enacted, That after the several Allotments herein-before directed shall have been set out and made, and after making Provision for all or any Part of the Expences of the Inclosure by Sale of Lands, in case all or any Part of the Expences shall be so directed to be paid, the Valuer acting in the Matter of the Inclosure shall divide, allot, and award all the Remainder of the Land to be inclosed unto and amongst the several Persons who shall be interested therein, in such Shares and Proportions as he shall adjudge and determine to be proportionate to the Value of their respective Rights and Interests which shall have been claimed and allowed under the Provisions herein-before contained.

The Rent-charges payable out of Allotments for the labouring Poor to be allotted to Persons entitled under the Inclosure.

LXXVIII. And be it enacted, That where any Allotments shall be made for the labouring Poor, under the Provisions herein-before contained, subject to any Rent-charge or Rent-charges, such Rent-charge or Rent-charges may be allotted to any Person or Persons who may elect to receive the same in full or in part of his or their Allotment or Allotments, and in case no Person shall so elect to receive the same, then to such Persons and in such Shares as the Valuer may think convenient, for the Purpose of equalizing Allotments or otherwise; and it shall be lawful for the Valuer, for the Purposes of Allotment under this Clause, to estimate the Value in Fee Simple of every such Rent-charge to be Four Fifths only of the Value of an Allotment of Land equal in net annual Value to such Rent-charge.

Separate Allotments to be made in respect of separate Titles.

LXXIX. And be it enacted, That when any Person to whom any Allotment shall be made or Land assigned in exchange by virtue of this Act shall hold such Land, or the Land in respect of which such Allotment or Exchange is made, under different Titles or for different Estates, and as to Copyhold or Customary Land, by separate Quit Rents, the Valuer in the Matter of the Inclosure shall ascertain and distinguish the Land held for each of such Estates and under each of such Titles respectively, and shall accordingly set out distinct and several Allotments for such respective Lands, and distinguish the several Estates holden by several and distinct Quit Rents.

Several Allotments may by Consent be laid together.

LXXX. And be it enacted, That in case any Number of the Persons interested in the Land to be inclosed shall desire to have their Allotments thrown together, and distinguished by Metes and Bounds, but not fenced from each other, and of such their Desire shall give

Notice in Writing to the Valuer acting in the Inclosure, such Valuer shall set out the several Allotments of such Persons so giving Notice as aforesaid by Metes and Bounds, but in One Parcel of Land, and without requiring them to make any subdivision Fences or other Fences, save such ring or outer Fences as may be necessary, or as the Valuer may direct to be made, for dividing the said Parcel of Land from the Residue of the Land so to be inclosed.

Cultivated Land and Buildings to be allotted to the Proprietor.

LXXXI. Provided always, and be it enacted, That it shall not be lawful for the said Valuer to allot to any other Person than the Proprietor thereof any Land (other than Encroachments and Inclosures not authorized by Law, made within Twenty Years next before the First Meeting for the Examination of Claims, as aforesaid,) which may be cultivated as Orchard or Garden, or on which any Building may have been erected, or which may have been inclosed by virtue of any Agreement between the Proprietor thereof and the Persons having Right of Common over the same, without the Consent in Writing of such Proprietor.

Regard to be had to the Situation of Homesteads.

LXXXII. And be it enacted, That the Valuer, in making the several Allotments hereby directed, shall have due Regard as well to the Situation of the respective Houses or Homesteads of the Persons interested in the Land to be inclosed as to the Quantity and Quality of the Land to be allotted to them respectively, so far as may be consistent with the general Convenience of such Persons, and that such Valuer in making the said Allotments shall have particular Regard to the Convenience of the Persons interested in respect of the smallest Estates in the Land subject to be inclosed under this Act.

Allotments to be fenced.

LXXXIII. And be it enacted, That the several Allotments to be made, except the Allotments to the Surveyor and Churchwardens and Overseers respectively, and the other Allotments for public Purposes, shall be inclosed, ditched, and fenced at the Expence of the respective Persons to whom the same shall be allotted, in such Manner and within such Times as the Valuer shall direct; and the Fences so to be made shall for ever afterwards be repaired and maintained by such Persons as the Valuer shall direct; and if from the Situation or from any other Circumstance it shall happen that any Person to whom any Allotment shall be made shall not have a fair Proportion of the Boundary Ditches or Fences assigned to him to make, it shall be lawful for the Valuer acting in the Matter of any Inclosure to ascertain and appoint what Sum of Money shall be contributed by such Person towards making the Boundary Ditches and Fences of the Allotments of such other Persons as shall have assigned to them to make too great a Proportion thereof; and such Money shall be paid to such Persons and in such Manner as by the Valuer shall be directed, and the same may be recovered in the same Manner as Penalties or Forfeitures are recoverable under this Act.

If Interest in Land is sold before Allotment is made the Valuer

LXXXIV. And be it enacted, That if at any Time before an Allotment shall have been made by the Valuer any Person shall sell his Right or Interest in the Land to be inclosed, or any Part thereof, to any Person, the Valuer shall, upon such Sale being certified to him

him in Writing by the Vendor, make an Allotment of Land to the Purchaser, or to his Heirs or Assigns, in respect of the Right or Interest so sold; and every such Purchaser, or his Heirs or Assigns, shall from the Confirmation of the Award hold and enjoy the Land so to be allotted to him in such Manner as the Vendor might or ought to have done in case such Sale had not been made; and it shall be lawful for any Person who shall be entitled to any Allotment under this Act to devise, convey, surrender, or otherwise assure the same Allotment, or all or any Part of his Interest therein, at any Time before the Confirmation of the Award; and every such Devise, Conveyance, Surrender, and Assurance shall be of the same Validity as if the same had been made after the Confirmation of the said Award; and it shall be lawful for any Person entitled to any Allotment to sell, dispose of, or convey the Estate in right of which he may be entitled to such Allotment separate from and retaining to himself such Allotment, or the Right thereto; and the Valuer is hereby required to award such Allotment accordingly.

to make the Allotment to the Purchaser.

LXXXV. And be it enacted, That if any Person interested in any Inclosure under this Act shall die before the same shall have been completed, the Powers and Authorities hereby vested in the Commissioners, Assistant Commissioner, and Valuer shall not be thereby determined or suspended, but they shall proceed in the Execution of such Powers and Authorities in such Manner as they might have done in case such Person had not died; and the Allotment which might have been made to the Person so dying shall be made to such Person as by the Law shall become entitled to the same, and shall be accepted and fenced by such Party according to the Directions contained in the Award, and he shall be liable to the Charges and Expences and other Conditions of the Inclosure.

Allotments to be made to Representatives of Parties dying.

LXXXVI. And be it enacted, That it shall be lawful for the Valuer acting in the Matter of any Inclosure, with the Consent in Writing of the Person interested in any old inclosed Lands, or Lands holden in Severalty, or otherwise not subject to be inclosed under the general Provisions herein-before contained, but within the Parish in which the Land to be inclosed, or some Part thereof, shall be situate, or within some Parish adjoining thereto, to order and direct such old inclosed Lands or other Lands as last aforesaid to be considered as allottable, and Parcel of the Land to be inclosed; and such Allowance shall be made to the Person interested in such Lands, on account of the Situation or other beneficial Circumstances thereof, as the Valuer shall adjudge to be just and reasonable; and he shall allot and award unto the Person so interested in such old inclosed Lands or other Lands as aforesaid so much and such Part of the Land to be inclosed as he shall think reasonable and just.

Old Inclosures may be allotted, with Consent.

LXXXVII. And be it enacted, That where the Freemen or Burgesses of any City or Borough, or the Householders or Inhabitant Householders of any Town or Place, or any Class or Description of such Freemen, Burgesses, Householders or Inhabitant Householders, or any other Persons as a Class, shall be entitled to Rights of Common or other Rights over the Lands to be inclosed, it shall be lawful for

Allotments to Freemen and other Classes of Persons entitled to Common Rights to be made to Trustees.

for the Valuer to award in respect of such Rights One or more Allotment or Allotments, for the Benefit of the Class so entitled, to any Two or more Trustees, who shall be nominated by the Majority at such Meeting as herein-after mentioned, or in case Two or more Trustees shall not be nominated at such Meeting, then to such Trustees as the Commissioners shall approve, with Provisions for the Appointment of new Trustees from Time to Time, or to the Churchwardens and Overseers of the Poor of the Parish in which each Allotment shall be situate, in trust for the Parties entitled to the Right in respect of which the Allotment shall be made; and it shall be also lawful for the Valuer, having regard to such Instructions, if any, as may have been resolved on at such Meeting as hereafter mentioned, or to such Instructions as shall be given by the Commissioners in this Behalf, to direct in what Manner and under what Regulations such Allotment shall be occupied or enjoyed by the Persons from Time to Time entitled to the Benefit thereof, and (in case the Valuer, having regard to such Instructions, shall think fit,) to give Directions and Powers for the letting of such Allotment from Year to Year, or for any Term of Years, subject to such Provisions and Restrictions as the said Valuer, with the Approbation of the Commissioners, shall think fit, and for the Receipt of the Money to arise from such letting, and for the Application of such Money for the Benefit of the Persons entitled to the Benefit of the Allotment, and to give all such Directions and Provisions for the fencing, draining, and Management of such Allotment, as the Valuer may think expedient.

Power to sell such Allotments.

LXXXVIII. Provided also, and be it enacted, That it shall be lawful for the Valuer, with the Approbation of the Commissioners and of such Meeting as herein-after mentioned, to sell and dispose of the whole or any Part of any Allotment to which any such Class of Persons as aforesaid shall be entitled under this Act; and the Allotment or any Part thereof so sold shall be conveyed by the Commissioners as the Purchaser shall direct, and the Commissioners shall sign a Receipt for the Purchase Money; which shall be a sufficient Discharge for the same; and the Purchase Money arising from the Sale, or the Surplus thereof after Payment thereout of any Expences to which the same shall be liable, shall, with the Approbation of the Commissioners, be paid to any Trustee or Trustees, upon trust for the Investment thereof, with Provisions for the Appointment of new Trustees from Time to Time, and for the Application of the Interest and annual Produce of such Investment to such Purposes, for the Benefit of the Persons who would have been entitled to such Allotment, or the Part thereof so sold, in case the same had not been sold, as the Commissioners shall approve, and by the final Award in the Matter of such Inclosure direct.

Application of Purchase Money.

Meeting of Persons so entitled for giving Instructions to Valuer.

LXXXIX. Provided also, and be it enacted, That when the Claim of any Class of Persons entitled as aforesaid shall be allowed the Valuer shall certify such Allowance to the Commissioners, and the Commissioners shall call a Meeting of such Persons by Advertisement, for the Purpose of appointing Trustees of the Allotment to be made for their Benefit, and for giving Instructions to the Valuer

concerning the Enjoyment, Occupation, and Management of such Allotment, or for letting the same, and for the Application of the Money to arise from such letting, or in case such Meeting shall think fit that such Allotment or any Part thereof shall be sold, for directing the Sale thereof, and the Investment of the Money arising from such Sale, and the Application of the Income thereof; and the Commissioners, having reference to the total Number of such Class (so far as the Valuer or the Commissioners may have ascertained the same), shall by such Notice declare the Number of Persons who should be present at such Meeting to give Validity to the Proceedings; and the Decision of the Majority of such Meeting shall bind the Minority and all absent Parties: Provided always, that no Meeting shall be effectual for the Purpose aforesaid unless such a Number of the said Persons shall attend the same as shall be mentioned in that Behalf in the Advertisement calling such Meeting; and if no effectual Meeting shall be held for the Purpose aforesaid, or, being held, no Instructions shall be resolved on by the Majority present at such Meeting, or in case the Commissioners shall deem such Instructions unjust or unreasonable, the Commissioners may give such Instructions to the Valuer in respect of the Matters aforesaid as they shall think fit; provided that no Sale of any such Allotment or any Part thereof shall be made except in pursuance of a Resolution of a Meeting called as aforesaid; but a Recital in the Conveyance by the Commissioners upon any Sale that such Sale was duly authorized shall for all Purposes of Title be Evidence that such Sale was made in pursuance of the Resolution of a Meeting duly called as aforesaid.

Partitions may be made.

XC. And be it enacted, That where any Persons interested in Land to be inclosed under this Act shall be so interested in undivided Shares, or as Joint Tenants, Coparceners, or Tenants in Common, it shall be lawful for the Valuer, upon the Request in Writing of any of the Persons so interested in undivided Shares, or as Joint Tenants, Coparceners, or Tenants in Common, to make Partition of the Lands or Allotments coming to such Persons so interested, and to allot the same to such Persons in Severalty; and immediately after the said Allotments shall be so made and declared the same shall be holden and enjoyed by the Persons to whom the same shall be allotted in Severalty, subject to the same Uses as such undivided Share would have been subject to in case such Partition had not been made; and every such Partition shall be specified in the Award, and shall be valid and effectual to all Purposes.

Costs of Partition.

XCI. And be it enacted, That all Costs and Expences attending any Partition to be made by virtue of this Act shall be borne and defrayed by the several Proprietors of or Persons interested in the Estates which shall be so parted in such Manner and Proportions as the Valuer shall order, and in case of Nonpayment thereof shall be recovered in the Manner directed with respect to the Recovery of Penalties and Forfeitures.

Exchanges.

XCII. And be it enacted, That it shall be lawful for the Valuer to allot and award any Land to be inclosed in exchange for any other Land within the Parish in which the Land to be inclosed shall be

situate, or any adjoining Parish; and it shall be lawful for the Valuer, in exercise of this present Power, to allot all or any Part of the Land which would have been subject to be allotted under this Act for the Purposes of Exercise and Recreation, or for the labouring Poor, or for any other public Purposes, to any Person, in exchange for other Land in the Parish or in any adjoining Parish which shall appear to the Valuer more suitable or convenient for the Purposes of Exercise and Recreation, or for the labouring Poor, or for such other public Purposes as aforesaid, and to allot such other Land for such Purposes accordingly; and all Lands taken and allotted as aforesaid under this Provision, although not situate in the Parish in which the Land given in exchange for the same shall be situate, shall for the Purposes of the Provisions herein contained be deemed to be within such Parish, and be managed and dealt with accordingly; provided that all Exchanges under which Land shall be taken and allotted for public Purposes as aforesaid shall be made with the Consent of the Person interested in the Land so taken, and that all other Exchanges be made with the Consent in Writing of the Persons interested in the Lands so exchanged; and every such Exchange so to be made shall be valid and effectual to all Purposes, and shall be specified and declared in the Award: Provided also, that no Exchange shall be made of any Land held in right of any Church or Chapel or other Ecclesiastical Benefice, without the Consent, testified in Writing, of the Bishop of the Diocese and the Patron of such Benefice: Provided also, that all Costs and Expences attending the making and completing of any such Exchanges, except Exchanges of Land taken for public Purposes, shall be borne by the several Parties making such Exchanges in such Manner and in such Proportions as the Valuer shall direct, and in case of Nonpayment thereof shall be recovered in the Manner directed with respect to the Recovery of Penalties and Forfeitures; and the Expences of the Exchanges of Land taken for public Purposes shall be considered Part of the Expences of the Inclosure.

Wills and Settlements not to be affected.

XCIII. And be it enacted, That nothing in this Act contained shall extend to revoke, make void, or alter any Will, Settlement, Uses, or Trusts, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Portion, Debt, Charge, Rent, or Incumbrance upon or affecting any of the Land to be inclosed, or which shall be exchanged or given in partition, in pursuance of this Act, but the Land allotted, and the Land given in exchange or partition, shall immediately after such Allotment, Exchange, or Partition be and enure, and the several Persons to whom the same shall be allotted or given in exchange or partition as aforesaid shall thenceforth stand and be seised and possessed thereof respectively to and for such and the same Estates, Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the several Lands, Rights, or undivided Shares thereof, in respect whereof such Allotments, Exchanges, and Partitions shall have been made would have stood limited to and for or been subject to in case the same had not been allotted, exchanged, or given in partition as aforesaid, and as if this Act had not been made, save and except such Leases and Tenancies at Rack Rents as shall become void by

virtue of this Act, and any Joint Tenancy which may have been severed by Partition as aforesaid, and such Rights of Common and other Rights as are intended to be extinguished by the Inclosure, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority of this Act.

Tenure of the Allotments.

XCIV. And be it enacted, That all such Land as shall be taken in exchange or on partition or be allotted by virtue of this Act shall be held by the Person to whom it shall be given in exchange or on partition or allotted under the same Tenures, Rents, Customs, and Services as the Land in respect of which such Land shall have been given in exchange or on partition or allotted would have been held in case no such Exchange, Partition, or Inclosure had been made; and the Land taken in exchange or on partition or allotted in respect of Freehold shall be deemed Freehold; and the Land taken in exchange or on partition or allotted in respect of Copyhold or Customary Land shall be deemed Copyhold or Customary Land, and shall be held of the Lord of the same Manor under the same Rent and by the same Customs and Services as the Copyhold or Customary Land in respect of which it may have been taken in exchange or on partition or allotted was or ought to have been held, and shall pass in like Manner as the Copyhold or Customary Land in respect whereof such Exchanges, Partitions, or Allotments shall be made, and as to Copyhold or Customary Allotments without any new Admittance in respect of the Lands taken or allotted respectively; and the Land given in exchange or on partition or allotted in respect of Leasehold Land shall in like Manner be deemed Leasehold, and shall be held under the same Rents and Covenants as the Land in respect of which it may have been allotted was held, and the Remainder or Reversion thereof shall be vested in the same Lessor respectively as the Remainder or Reversion of such other Land was vested before the Exchange, Partition, or Allotment, except where otherwise particularly directed by this Act.

Leases at Rack Rent may be voided.

XCV. And be it enacted, That immediately after the Allotments herein directed to be made on any Inclosure shall have been marked and staked out the Valuer acting in the Matter of such Inclosure may direct the same to be entered upon by the Persons respectively for whom the same shall be intended; and immediately after the Valuer shall so direct them to be entered upon, all Leases, Agreements, and Tenancies at Rack Rent subsisting of any Part of the Land to be inclosed, or which shall be exchanged in pursuance of this Act, or any Common Right thereon, shall, so far only as respects the Land to be divided and allotted or exchanged, or Common Right, cease and be void at such Time or Times as the Valuer shall by Writing under his Hand direct or appoint, so as the respective Lessors or Landlords of such Land do, before or at the respective Times at which such Leases, Agreements, or Tenancies shall be directed to cease, make and pay such Satisfaction to the respective Lessees or Tenants, for the Loss which shall be sustained by the Determination of such Leases, Agreements, and Tenancies respectively, so far as regards the Land or Common Right the Leases, Agreements, and Tenancies whereof are hereby authorized to be determined

determined, as shall be mutually settled and agreed between them, or as the Valuer, being required by either of the Parties, shall ascertain and direct; and the Valuer, being so required, is hereby empowered and directed, by Writing under his Hand, to apportion a reasonable and proportionable Part, having regard to the Season of the Year, of the Rent reserved on any such Lease, Agreement, or Tenancy, for or in respect of the Time which shall have elapsed between the last Day on which any Payment of the Rent shall have become due and the Determination of any such Lease, Agreement, or Tenancy, and such Part of the Rent shall be recoverable by such Ways and Means as may by Law be used for the Recovery of Rent in arrear; and the Valuer is hereby empowered and directed, in every Case where such Land or Common Right shall be held by virtue of any such Lease, Agreement, or Tenancy, together with other Lands or Hereditaments, by One entire Rent, by Writing under his Hand to apportion and determine what Part of such Rent shall be deducted in respect of the Land or Common Right in such Lease, Agreement, or Tenancy comprised as to which the same shall be determined as aforesaid, and from what Time such Deduction shall take place, and the rest of the Rent reserved on any such Lease, Agreement, or Tenancy shall during the Remainder of the Term thereof be the Rent of and for the Residue of such Lands and Hereditaments, and shall be payable and recoverable in like Manner as the entire Rent reserved by such Lease, Agreement, or Tenancy shall immediately before such Apportionment be payable and recoverable; and the Lessor or Reversioner shall in respect of such apportioned Rent, and in respect of the Residue of such Lands and Hereditaments, have the Benefit and Advantage of the Provisoes and Conditions which would have been applicable to the entire Rent, and to all the Lands and Hereditaments comprised in such Lease, Agreement, or Tenancy, in case such Lease, Agreement, or Tenancy had not been determined as to any Part of such Land: Provided always, that no Lease, Agreement, or Tenancy shall be determined as aforesaid as to any House, Cottage, or other Building without Three Calendar Months previous Notice in Writing of such Determination, under the Hand of the Valuer, shall have been given to the Lessee or Tenant, or left at such House, Cottage, or Building.

Seigniories not affected, except with Consent.

XCVI. Provided always, and be it enacted, That in every Case all Seigniories, Royalties, Franchises, and Manorial Jurisdictions whatsoever in or upon the Land to be inclosed under this Act shall not be deemed to be compensated or extinguished, but shall be saved and excepted out of the Operation of this Act, unless in and by the Award it shall be declared, with the Consent of the Lord or respective Lords interested therein, that such Seigniories, Franchises, Royalties, and Jurisdictions shall be extinguished upon the proposed Inclosure.

Minerals under regulated Pastures may be reserved, while Mine-

XCVII. Provided always, and be it enacted, That in every Case in which, under the Provisions herein-after contained, Part of the Land subject to be inclosed under this Act shall be converted into and used as a regulated Pasture, and the Residue thereof shall be divided and allotted in Severalty, it shall be lawful for the Valuer, having regard to

to the Right of the Lord of the Manor, as the same shall have been ascertained and declared by the Provisional Order of the Commissioners, and with the Consent of the Lord of the Manor and a Majority in Value of the other Persons interested in the Lands proposed to be inclosed, to direct that the Rights of the Lord of the Manor in and to all or any of the Mines, Minerals, Stone, and other Substrata under such Part of the Land as shall be converted into and used as a regulated Pasture shall be reserved to the Lord, and that all or any of the Mines, Minerals, Stone, and other Substrata under the Residue to be divided and allotted in Severalty shall become the Property of the Owners of the respective Allotments, and that the Allotments be adjusted accordingly.

rals under Lands to be held in Severalty are relinquished.

XCVIII. Provided also, and be it enacted, That in every Case in which the Right to all or any of the Mines, Minerals, Stone, and other Substrata under any Land inclosed under this Act shall exist as Property distinct and separate from the Property in the Surface, and shall not be compensated upon the Inclosure, the Right and Property in such Mines, Minerals, Stone, or other Substrata, and all Rights and Easements auxiliary to or connected with the Exercise or Enjoyment of the Right and Property in such Mines, Minerals, Stone, or other Substrata, shall be in nowise affected by the Inclosure; and in case any Mines, Minerals, Stone, or other Substrata under any Land inclosed under this Act, or the Right of searching for or getting the same, shall have been leased or agreed to be leased to any Person as Property distinct and separate from the Property in the Surface, with or without Powers over the Surface of the Land auxiliary to the Purposes of such Lease, the Rights of the Lessee or Tenant under such Lease or Agreement shall be in nowise affected by the Inclosure.

Right to Minerals under Land inclosed existing distinct from the Property in the Surface, and not compensated upon Inclosure, not to be affected.

XCIX. And be it enacted, That the Timber Trees and other Trees and Underwood standing and growing upon any Land to be inclosed shall be allotted and go along with the Land whereon they respectively stand, and shall be deemed the Property of the several Persons to whom the same Land shall be respectively allotted, such Person paying to the Owner of such Trees and Underwood such Sums of Money for the same, and at such Time or Times and Place or Places, as the Valuer shall by Writing under his Hand direct; but if the Parties who are to make such respective Payments shall neglect or refuse to make the same accordingly, then it shall be lawful to and for the respective Parties who shall be entitled to have and receive such Payments to enter on the said Lands, and cut down, take, and carry away to their own Use the said Trees and Underwood in respect of which the said Payments were respectively to be made to them, at any seasonable Time or Times within One Year next after such Neglect or Default, doing as little Damage on the Land as may be.

Trees to be allotted with the Land.

C. And be it enacted, That no Person shall graze or keep any Horse, Beast, Cattle, Sheep, or Swine upon any of the Roads or Ways which the Valuer shall order to be set out, and which shall be fenced on both Sides, for the Space of Seven Years next after the

Cattle not to be depastured on Roads.

Execution of the Award; and every Owner of Land to be inclosed, his Servants and Labourers, and also every Peace Officer and Parish Officer of the Parish in which the Land shall be situate, for the Time being, is hereby empowered to take and impound any such Horse, Beast, Cattle, Sheep, or Swine which shall be found so grazing as aforesaid, as Cattle Damage feasant: Provided always, that nothing herein contained shall prevent the Proprietors of the Land which shall next adjoin the private Roads and Ways from depasturing their Cattle thereon so far as the Frontage of their respective Land extends.

Alteration may be made in Allotments.

CI. And be it enacted, That it shall be lawful for the Valuer acting in any Inclosure, at any Time before the Confirmation of the Award, with the Approbation or by the Direction of the Commissioners, to make any Alterations which he may think right and expedient in the Allotments or in the Fences which he may have set out and ordered, or in the private Roads he may have set out, or in any of the Orders or Directions relating thereto which he may have made in the Matter of such Inclosure; and in case any Person shall be injured by any such Alteration, on account of any Expences he may have incurred, or otherwise, the Valuer shall ascertain and determine what Recompence shall be made to him for such Injury, and shall either pay the Amount thereof out of the Monies raised for the Expence of the Inclosure, or shall direct by whom and in what Manner such Recompence shall be made; and in case of Nonpayment thereof the same shall be recovered in the same Manner as Penalties and Forfeitures are recoverable under this Act.

Valuer to draw up a Report and annex thereto a Map of the Claims.

CII. And be it enacted, That the Valuer acting in the Matter of any Inclosure shall, as soon as conveniently may be after the Division and Allotment of the Land to be inclosed shall be completed, draw up a Report in Writing, with a Map thereunto annexed, which shall specify all the Claims allowed, and all the Allotments, Exchanges, and Partitions made in the Matter of such Inclosure, and all Roads, Ways, and Works set out or directed to be made by the said Valuer; and such Report shall contain all such Particulars in relation to such Allotments, Roads, Ways, and Works as are by this Act directed, and all such other Directions and Determinations authorized by this Act as the said Valuer shall think proper for the Purposes of the Inclosure; and the Map to be annexed to such Report shall comprise and show the Land to be inclosed and the Lands exchanged, and also the Lands in respect of which any Allotments of the Land inclosed shall have been made, and shall distinguish by proper References the Allotments made in respect of the several Lands respectively, and such other Particulars as the Commissioners shall by any general or special Instructions in relation to such Report direct the Valuer to set forth therein; and such Report shall be signed by the Valuer, and shall, together with the Map thereunto annexed, be sent to the Office of the Commissioners.

Report to be deposited for Inspection.

CIII. And be it enacted, That as soon as the Report of the Valuer shall have been sent to the Commissioners they shall cause a Copy of the same to be deposited at some convenient Place within the Parish

in which the Land to be inclosed, or some Part thereof, shall be situate, for the Inspection of all Persons interested in such Land, and shall forthwith cause Notice to be given where the said Copy may be inspected, and shall also in such Notice appoint some convenient Place, and such Times as they shall think necessary (the first not earlier than Twenty-one Days from the first giving of such Notice), for holding a Meeting to hear Objections to any Allotment, Direction, Determination, or Matter in the Report; and the Commissioners or some Assistant Commissioner at such Meeting as aforesaid shall hear and determine any Objections which may be then and there made to any such Allotment, Direction, Determination, or Matter by any Person interested therein, or adjourn the further Hearing thereof, if they or he shall think proper, to a future Meeting, and may, if they or he shall see occasion, direct any further Valuation or Survey of the Land or any Part thereof, and take such other Measures for ascertaining the Justice and Propriety of the Determinations and Directions of the Valuer, as to the Commissioners or Assistant Commissioner shall seem proper, and from Time to Time, if they or he shall see occasion, fix further Meetings for the hearing and determining of Objections, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed with regard to the original Meeting; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such Objections, and made such Inquiries as the Commissioners shall think fit in relation thereto, the Commissioners shall approve such Report, or cause the Allotments, Directions, Determinations, and Matters therein mentioned, or any of them, to be amended, as they shall see occasion.

Award to be drawn up by the Valuer,

CIV. And be it enacted, That after such Proceedings as aforesaid shall have been had, and all such Objections to such Report (if any) shall have been finally disposed of, and such Amendments (if any) shall have been made in the Allotments, Directions, and Matters therein contained as aforesaid, the Valuer, under the Direction of the Commissioners, shall cause to be drawn up and engrossed on Parchment the Award in the Matter of such Inclosure, which shall be signed by the Valuer, and shall describe the Boundaries, if any, which shall have been ascertained and set out under the Provisions herein-before contained, and shall contain or set forth the Report of the Valuer, or the Allotments, Exchanges, Partitions, Directions, and Matters contained in such Report, if so approved as aforesaid, or such Allotments, Exchanges, Directions, and Matters therein contained as the same shall have been amended as aforesaid, and shall contain a Declaration whether all or any and which of the Mines, Minerals, Stone, and other Substrata shall or shall not have been included in the Estimate of the Right and Interest of the Lord in the Soil (in respect of which any Allotment shall have been made to him), and the Valuer shall annex to such Engrossment the Map referred to by such Report; and the Commissioners shall confirm such Award, with the Date of such Confirmation thereunto annexed, under their Hands and Seal.

and confirmed by the Commissioners.

CV. And

Confirmation of Award to be conclusive Evidence that the Directions of this Act have been obeyed.

CV. And be it enacted, That such Confirmation as aforesaid shall be conclusive Evidence that all the Directions of this Act in relation to such Award, and to every Allotment, Exchange, Partition, and Matter therein set forth and contained, which ought to have been obeyed and performed previously to such Confirmation, shall have been obeyed and performed; and no such Award shall be impeached by reason of any Mistake or Informality therein, or in any Proceeding relating thereunto, or on account of any Want of any Notices or Consents required by this Act, or on account of Defects or Omissions in any previous Proceeding whatever in the Matter of the Inclosure; and every Allotment, Exchange, Partition, Direction, Matter, and Thing specified and set forth in such Award as aforesaid shall be binding and conclusive on all Persons whomsoever.

Allotments to be in compensation of previous Rights.

CVI. And be it enacted, That the several Allotments which shall upon any Inclosure under this Act be allotted to the several Persons who shall be entitled to the same shall when so allotted be and be taken to be in full Bar of and Satisfaction and Compensation for their several and respective Lands, Rights of Common, and all other Rights and Properties whatsoever, not excepted or reserved by this Act or by the Award in the Matter of such Inclosure, which they respectively had or were entitled to in and over the said Lands immediately before such Inclosure; and that from and immediately after the Confirmation of the Award by the Commissioners, or at such earlier Time as the Valuer, with the Approbation of the Commissioners, shall by Notice on the Church Door direct, all Rights of Common, and all Rights whatever by the Inclosure intended to be extinguished, belonging to or claimed by any Person whomsoever, in or upon such Lands, shall cease, determine, and be for ever extinguished.

Allotments may be subdivided by supplemental Order.

CVII. Provided always, and be it enacted, That when any Award, so confirmed as aforesaid, shall not have distinguished the several Tenures of any of the Lands therein mentioned, or the different Estates or Titles for or under which the same shall be held, or shall have set out and awarded an aggregate Allotment in any Case in which there should have been set out and awarded several and distinct Allotments, it shall be lawful for the Commissioners, at any Time within Two Years after the Confirmation of the Award, upon Request in Writing to them made by any Person interested in any such aggregate Allotment, to do all such Acts as may be necessary for supplying such Omission, and for subdividing such aggregate Allotment, and for that Purpose to examine Witnesses, and proceed as if the said Award had not been confirmed, and by any Order or Instrument under their Hands and Seal to subdivide any aggregate Allotment into separate Allotments, and to distinguish and set out the Allotments and Lands held by different Tenures, and also the Allotments and Lands held by, for, or under different Estates or Titles respectively, in the same Manner as by this Act is authorized and required to be done in Cases where such Allotments and Lands are directed to be ascertained, distinguished, and set out by the Valuer; and every such separate Instrument shall have the same Power and Effect as if it were contained in

in the said Award; and such Instrument shall be engrossed, and deposited with the Award, and shall thenceforth be deemed to be Part thereof to all Intents and Purposes; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry or separate Instrument as aforesaid, and the Engrossment thereof, shall be paid by the Party who shall have requested the Commissioners to make and execute the same, or by his Executors or Administrators.

Allotment for the labouring Poor shall be managed by the Allotment Wardens.

CVIII. And be it enacted, That the Allotment which upon any Inclosure under this Act shall be made for the labouring Poor shall be under the Management of the Incumbent of the Parish or ecclesiastical District in which such Allotment shall be situate (or the officiating Minister for the Time being nominated by the Incumbent for that Purpose), the Churchwarden, if there be but One, or (if there be more than One) One of the Churchwardens for the Time being of such Parish, and Two other Persons who shall be rated to the Relief of the Poor in such Parish; and such Churchwarden, where there is more than One Churchwarden, shall be yearly named, and such Two other Persons shall be yearly chosen and appointed, at the same Time, and by the same Persons, and in the same Manner, as the Overseers of the Poor for such Parish shall be chosen and appointed, and shall continue in Office in like Manner until the next Appointment of Overseers, or until others are named and chosen and appointed in their Stead; and such Incumbent (or officiating Minister), Churchwarden, and Two other Persons for the Time being shall be styled "The Allotment Wardens" of the Parish, and shall manage and let the said Allotment as herein-after provided, and all things by this Act authorized to be done by such Allotment Wardens may be done by any Two of them, and in the event of the Death or Retirement from Office of any One or more of the said Allotment Wardens the surviving or continuing Wardens may act as if no such Vacancy had happened.

Such Allotments how to be let.

CIX. And be it enacted, That the Allotment Wardens shall from Time to Time let the Allotment under their Management in Gardens not exceeding a Quarter of an Acre each to such poor Inhabitants of the Parish for One Year, or from Year to Year, at such Rents, payable at such Times, and on such Terms and Conditions, not inconsistent with the Provisions of this Act, as they shall think fit: Provided always, that the Commissioners may frame such Regulations, not inconsistent with the Provisions of the Act, for the letting of such Allotments as aforesaid, as they may think advisable, and such Regulations shall be obligatory on the Allotment Wardens during Five Years from the Date thereof or during such shorter Period as the Commissioners shall direct: Provided also, that the Gardens so to be let shall be let free of all Tithe or Tithe Rent-charge (if any), Rates, Taxes, and Assessments whatsoever, and shall before the first letting thereof, and once at least in every Ten Years after such first letting, be valued by a competent Person to be appointed by the Allotment Wardens for that Purpose, who shall estimate the full Rent which the same would be worth to be let by the Year for Farming Purposes, all Tithes or Tithe Rent-charge, Rates, Taxes, and

Assessments, being borne by the Landlord, and shall verify such Valuation by solemn Declaration under the Statute; and the Rent at which the same Gardens respectively shall be let shall be not below the full yearly Value of the Land according to the last of such Valuations; and the Allotment Wardens shall, for the Purposes of all Rates and Taxes, be deemed the Occupiers of such Allotment, and shall pay all Rates and Taxes, Tithes and Tithe Rent-charge (if any), in respect thereof: Provided always, that no Building whatsoever shall, under any such letting as aforesaid or otherwise, on any Pretence, be erected for or used as a Dwelling on any such Garden or on any Part of any such Allotment; and in case any such Building shall be erected or used as aforesaid contrary to this Provision, the Allotment Wardens shall forthwith pull down the same, and sell and dispose of the Materials thereof, and the Produce of such Sale shall be applicable in like Manner as the Rents of such Gardens.

Recovery of Gardens on Nonpayment of Rent, &c.

CX. And be it enacted, That if the Rent reserved upon the letting of any Garden by the Allotment Wardens shall at any Time be in arrear for Forty Days, or if at any Time during the Tenancy, being not less than Three Calendar Months after the Commencement thereof, it shall appear to the Allotment Wardens that the Occupier of such Garden shall not have duly observed the Terms and Conditions of his Tenancy, or shall have gone to reside more than One Mile out of the Parish, then and in every such Case the Allotment Wardens shall serve a Notice upon such Occupier, or in case he shall have gone to reside out of the Parish shall affix the same to the Door of the Church of the Parish, determining the Tenancy at the Expiration of One Month after such Notice shall have been so served or affixed, and thereupon such Tenancy shall be determined accordingly: Provided always, that in every such Case the Allotment Wardens or their incoming Tenant shall pay to the Occupier whose Tenancy shall have been so determined a fair Recompence in Money for any Crops (not being Crops prohibited by the Terms of such Tenancy) which may be growing on such Garden at the Time of such Determination, and for any Manure left on such Garden, or any Benefit accruing from the manuring of such Garden to the Wardens or their incoming Tenant; and the Justices to whom Application may be made for a Warrant to give Possession of such Garden shall settle the Amount of such Recompence, in case the Parties differ about the same, and stay the Execution of such Warrant until the same shall have been paid or tendered, or (in case such Occupier be absent) until the Payment thereof shall have been secured to the Satisfaction of such Justices.

Possession, how to be recovered from Tenant holding over.

CXI. And be it enacted, That in case upon the Determination of any such Tenancy as aforesaid the Occupier of any such Garden shall refuse to quit and deliver up Possession thereof, or if any other Person shall unlawfully enter upon, take, or hold Possession of any such Garden, or of any Part of such Allotment, the Allotment Wardens may recover Possession according to the Mode prescribed by an Act passed in the Second Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Recovery of Possession*

1 & 2 Vict. c. 74.

sion of Tenements after due Determination of the Tenancy, in such and the same Manner as if the said Wardens were Landlords or a Landlord, and as if such over-holding Occupier or other Person were a Tenant neglecting or refusing to quit and deliver up Possession, within the Meaning of the last-mentioned Act.

Rents of Allotment how to be applied.

CXII. And be it enacted, That all Rents payable in respect of the Allotment under the Management of the Allotment Wardens shall be payable to such Wardens, who shall have the same Remedies for Recovery thereof by Distress and otherwise as if the legal Estate of and in such Allotment were vested in them under this Act; and such Rents shall be applicable, in the first place, to the Payment of all Rates, Taxes, Tithes, Tithe Rent-charge, and of the Rent-charge charged on such Allotment under the Provisions of this Act, and of all Expences incurred by the Allotment Wardens in the Execution of their Trusts and Powers under this Act; and the Residue, if any, of such Rents, shall be paid to the Overseers of the Poor, in aid of the Poor Rates of the Parish, and be applicable in the same Manner as and subject to all the Provisions concerning the Monies assessed for the Relief of the Poor.

Regulated Pastures may be set out.

CXIII. And be it enacted, That it shall be lawful for the Commissioners, on the Application in Writing of Persons interested in any Land which shall be directed to be inclosed under this Act whose Interest shall exceed in Value One Half of the whole Interest in such Land (such Application to be made at any Time before the Instructions to the Valuer shall have been delivered to him under the Seal of the Commissioners, as herein-before provided), to direct such Land or any Part thereof to be converted into and used as a regulated Pasture, to be stocked and depastured in common by the Persons interested therein, in proportion to their respective Rights and Interests as the same shall be determined on the Examination of Claims; and in case Part of such Land only shall be so directed to be stocked and depastured in common, the Valuer shall, subject to the Instructions which shall be given to him under the Provisions of this Act, ascertain and set out the Part which shall be so used as a regulated Pasture, and shall direct how and at whose Expence the same shall be fenced and divided from the Residue of such Land; and the Valuer acting in the Matter of such Inclosure shall, in every Case where Land shall be so directed to be used as a regulated Pasture, ascertain and allot the respective Stints or Rights of Pasturage (specifying the respective Numbers of the respective Kinds of Stock or Animals to be admitted to the Pasture in respect of such respective Stints or Rights of Pasturage, with such Option as to equivalent Numbers of the respective Kinds of Stock and Animals as he shall think just, and, if he shall think fit, specifying the Time during which such Stock or Animals may be kept on the Pasture,) as he shall adjudge and determine to be proportionate to the Value of the respective Rights and Interests of the Persons interested as aforesaid; and the Commissioners may frame such Directions as they shall think fit for guiding the Valuer in the correct Specification of such Stints or Rights: Provided always, that in every Case in which Part only of the Land subject to be inclosed under this Act shall be

so

so directed to be used as a regulated Pasture, and the Residue thereof to be divided and allotted in Severalty, it shall be lawful for such Valuer, having regard to the Convenience of the Persons interested in such Land, to award to any such Person either a Stint or Right of Pasture or an Allotment in Severalty only, or both a Stint or Right of Pasture and an Allotment in Severalty, so as such Stint or Right only, or such Allotment only, or (as the Case may be) such Stint or Right and Allotment together, be in the Judgment of the Valuer proportionate to the Right and Interest in respect of which the same shall be awarded: Provided also, that in any Case in which it shall appear to the Valuer that the proportionate Right or Interest of any Person is too small to be conveniently compensated by a Stint or Right of Pasture, or that it is not practicable wholly to compensate such Person by a Stint or Right of Pasture, and the Circumstances of the Inclosure will not admit, in the Judgment of the Valuer, of an Adjustment or Compensation by an Allotment in Severalty, it shall be lawful for such Valuer, for the Purpose of Compensation or Adjustment, to direct a Sum of Money to be paid to such Person in lieu of or (as the Case may require) in addition to the Award of a Right of Pasture or Stint; and such Sum of Money shall be paid out of the Monies applicable to the Payment of the Expences of the Inclosure.

Conversion into regulated Pasture to be deemed an Inclosure.

CXIV. And be it enacted, That all the Provisions and Powers herein-before contained in relation to public and private Roads, Ways, and Works, and all other the Powers, Provisions, and Directions, Penalties and Forfeitures, applicable to the Case of an Inclosure under this Act, and the Provisions and Directions concerning Examination of Claims, and the rehearing thereof, and the Report of the Valuer, and the Amendment of the Matter thereof, and the Award, and the Confirmation and Effect of the Award, shall be applicable to the Case where the Land subject to be inclosed shall be directed to be used as a regulated Pasture; and the Word "Inclosure" shall in every Case in this Act where the Context is not repugnant to such Construction include the Conversion of Land subject to be inclosed into such regulated Pasture, and the Proceedings in relation thereto.

Rule of rating to be established.

CXV. And be it enacted, That in every Case in which Land shall be directed to be converted into and used as regulated Pasture under this Act the Valuer acting in the Matter of the Inclosure shall determine and direct the proportionate Shares or aliquot Parts which the respective Owners for the Time being of the several Stints or Rights of Pasture shall be liable to pay of any Sum of Money which shall be raised by way of Rate on such Owners under the Provisions of this Act; and such Determination and Direction, in case the same shall be approved, or as the same may be amended by the Commissioners, shall be for ever after observed in every Rate to be made under the Provisions of this Act, and shall be the Rule also according to which the proportionate Values of the Stints shall be determined in taking the Votes of the Owners of Stints under the Provisions herein-after contained.

CXVI. And

Property of Soil of regulated Pastures.

CXVI. And be it enacted, That the Right of Soil of and in all Land which shall be converted into regulated Pastures shall, subject to the Right of the Lord of the Manor to all or any of the Mines, Minerals, Stone, and other Substrata, where the same shall be reserved to him under this Act, and to the other Rights given or reserved by this Act and the Award in the Matter of such Inclosure, be vested in the Persons who under the Directions and Determinations of such Award shall be the Owners of the Stints or Rights of Pasture therein, in proportion to the Shares or aliquot Parts which such Stints shall be thereby declared liable to of any Rate under this Act, as Tenants in Common.

Election of Field Reeves.

CXVII. And be it enacted, That where any Land shall have been converted into a regulated Pasture under the Provisions of this Act a Meeting shall be called by the Commissioners of the Owners of the Stints or Rights of Pasture, at such Time after the Confirmation of the Award as the Commissioners shall by Notice on the Church Door appoint; and the major Part in Value of such Owners present by themselves, or their Agent authorized in this Behalf, at such Meeting, shall elect a fit Person or Persons to be Field Reeve or Reeves of such regulated Pasture; and every Field Reeve so to be elected as aforesaid, or to be elected or re-elected at any subsequent Meeting, shall continue in Office until the Expiration of Fifteen Days after the Day of the annual Meeting of such Owners then next following, and no longer, unless he shall be re-elected at such annual Meeting; and such Owners shall ever after such First Meeting meet for the Election of a Field Reeve or Field Reeves on the First *Monday* in *February* in every Year; and the Owners assembled at such Meetings shall from Time to Time fix, increase, or diminish the Salary or Payment to be made to every such Field Reeve, and may appoint or authorize any Field Reeve to appoint and employ Herds and Assistants, as such Owners may think fit; and any such Field Reeve may be removed by Four Fifths in Value of the Owners of Stints present by themselves or their Agents authorized in this Behalf at any Meeting called for the Purpose by Fourteen Days Notice on the Church Door under the Hands of any Two such Owners of Stints; and in case any such Field Reeve shall die while he shall hold such Office, or shall be removed as aforesaid, it shall be lawful for the Majority in Value of Owners of Stints or Pastures present as aforesaid at any Meeting which upon such Vacancy any Two Owners may call by Fourteen Days Notice on the Church Door, to appoint a Field Reeve in his Place, who shall hold the Office until the Expiration of Fifteen Days after the then next annual Meeting; and a Certificate in Writing under the Hands and Seals of Two Justices of the Peace of the Election of any Field Reeve (which Certificate any Two Justices of the Peace are authorized, if they think fit, to give, on the Request and upon the Declaration of any Owner of such Stints as the Agent of any such Owner present at the Meeting at which the Election shall have taken place,) shall in all Matters and Proceedings whatsoever in which any Acts done by any Field Reeve in the Execution of his Office shall be in question be Evidence that he was duly appointed Field Reeve.

Duties of Field Reeves.

CXVIII. And be it enacted, That the Field Reeve or Reeves for the Time of being of every such regulated Pasture shall, subject to such Orders and Instructions in Writing as may from Time to Time be agreed on by the Majority in Value of the Owners of such Stints as aforesaid, at their yearly Meetings, regulate the Times in each Year during which Stock or Animals shall be admitted to and excluded from such regulated Pasture, and shall maintain and keep in order the Fences, Gates, Ditches, Drains, Watercourses, Embankments, Jetties, and Weirs, or make any new Fences, Gates, Ditches, Drains, Watercourses, Embankments, Jetties, or Weirs, and do all Works necessary for the Maintenance and Improvement and good Order of such regulated Pasture, and shall and may distrain all Stock and Animals found thereon contrary to the Regulations of such Pasture, and do all other Acts for the Maintenance and Improvement of such regulated Pasture, and the convenient Use and Occupation thereof, as the Field Reeve or Reeves, subject to such Instructions as aforesaid, may think fit; and where there shall be any Buildings on such regulated Pasture, or where the Majority in Value of the Owners of Stints at any yearly Meeting shall direct that any Buildings for the Shelter or Stall-feeding of Stock or Animals be erected thereon, such Field Reeve or Reeves shall or may maintain and keep in repair such Buildings, or cause such Buildings to be erected, in pursuance of such Direction, and let the same from Year to Year, or, under such Instructions as aforesaid, for any Term of Years, and shall receive the Rents thereof; and such Rents shall be applicable, in the first place, to the same Purposes as the Rates hereinafter authorized to be raised on the Owners of Stints are made applicable, and the Residue (if any) shall be paid to the Owners of Stints in proportion to the respective Liability of their Stints to such Rates.

Provision for rateable Increase or Diminution of Rights.

CXIX. And be it enacted, That when it shall appear to the Majority in Value of the Owners of Stints present at any annual Meeting that the Condition of the Pasture would admit of an Increase of the respective Rights of Pasture thereon, or would require a Diminution of such respective Rights, it shall be lawful for such Majority of the Owners so present to direct that the respective Number of Stock or Animals to be admitted to the Pasture in respect of the several Rights be increased, or, as the Case may be, diminished, rateably, to such Extent as they shall think fit: Provided always, that in case it shall happen that the Right of any such Owner shall not be sufficient to admit of a rateable Increase or Diminution, such annual Money Payment shall be made to such Owner in lieu of Increase of his Right, or, as the Case may be, charged on such Owner in lieu of the Diminution of his Right, as such Majority shall award, or in case the Person to or on whom such Money Payment shall be awarded or charged shall think the Sum awarded insufficient, or the Sum charged excessive, then as any Two Justices of the Peace shall, upon the Complaint of such Person, and after Summons of the Field Reeve or One of the Field Reeves of such Pasture (which may be in the Form in the Schedule to this Act), and on hearing in a summary Way the Matter in difference, think reasonable and order

to

to be paid; and such Order may be in the Form in the Schedule to this Act; and every such Money Payment payable in lieu of Increase of Right shall be paid annually by the Field Reeve out of the Monies raised by the Rate made for the Expences of such regulated Pasture; and the Money charged on any such Owner shall be recoverable as a Rate on Owners of Stints is hereby made recoverable; and all annual Payments payable as aforesaid shall be payable on the First *Monday* in *February* in every Year.

Expences to be raised by Rate.

CXX. And be it enacted, That all Salaries and Allowances to Field Reeves and other Persons, and all Expences in and about the Management of every such regulated Pasture, and the Repairs and Erection of Buildings thereon, under the Directions of such Meetings of Owners as aforesaid, and all other Expences of such regulated Pasture, shall be paid and defrayed by the Owners of the respective Stints therein; and for that Purpose it shall be lawful for the Field Reeve or One of the Field Reeves, under the Directions of any such Meeting of Owners, from Time to Time to make a Rate on the respective Owners for such Sum as the Majority of Owners present at such Meeting shall think requisite; and every such Rate shall be apportioned and paid by the Owners according to the Rule of Rating established for such regulated Pasture, and shall be paid to the Field Reeve, on demand thereof, and in case the same shall not be paid within Fourteen Days after demand thereof, shall be recoverable by Distress; and it shall be lawful for any Field Reeve to exclude from such regulated Pasture the Stock or Animals of any Owner or his Tenant whose Proportion of the Rate shall be in arrear and unpaid for Fourteen Days after demand thereof, until the Proportion of such Rate so in arrear shall be fully paid; and any such Demand or Distress may be made of or on the Occupier of any such Stint as if the Occupier were the Owner liable to the Payment of such Rate, and such Rate may be paid by any such Occupier on demand thereof, and the Money so paid by such Occupier shall be deemed a Payment on account of his Rent, and shall be allowed by his Landlord accordingly.

Power to apply the Act to Pastures already stinted.

CXXI. And be it enacted, That where any Land shall be already occupied as a Gated or Stinted Pasture, and any of the Persons interested in such Gated or Stinted Pasture whose Interests shall not be less in Value than Two Thirds of the whole Interest therein shall be desirous that such Gated or Stinted Pasture should be subject to the Provisions of this Act concerning regulated Pastures, without being subject to the other Provisions concerning Lands subject to be inclosed under this Act, and shall make Application in Writing to the Commissioners to take Proceedings for that Purpose, it shall be lawful for the Commissioners, after making such Inquiries as may appear to them necessary, to cause to be ascertained by any Valuer to be appointed or approved by the Commissioners for that Purpose the proportionate Rights and Interests of the several Persons interested in such Pasture, and also the respective Rights of Pasture to which, having reference to the Productiveness of such Gated or Stinted Pasture, the several Persons interested therein may, in the Judgment of such Valuer, be entitled; and such Valuer shall determine and direct,

direct, as herein-before mentioned, the proportionate Liability to Rates under this Act of the Occupiers of Stints or Rights of Pasture, and in like Manner as in case of the Conversion into regulated Pasture of Land subject to be inclosed upon an Inclosure under this Act; and the Commissioners shall hear, or cause to be heard by an Assistant Commissioner, any Objections to the Determinations of Claims by and to the Report of the Valuer respectively, and approve or amend such Determinations and such Report respectively as they shall think fit; and the Valuer, under the Direction or with the Approval of the Commissioners, shall frame and cause to be ingrossed an Award setting forth such Draft Award, and the Matter of such Report, and the Commissioners shall confirm the same, with the Date of the Confirmation, under their Hands and Seal; and from and after the Confirmation of such Award such Gated and Stinted Pasture shall be subject to all the Provisions herein contained concerning Land subject to be inclosed, converted into and used as regulated Pasture, and shall be rateable under such Provisions, according to the Rule of Rating as set forth in such Award; and such Award shall be as binding and conclusive as if the same had been made and confirmed on an Inclosure under this Act.

Expences of Application of Act to Pastures already stinted.

CXXII. And be it enacted, That all the Expences of or attending the Proceedings for subjecting Lands already used as Gated or Stinted Pasture to the Provisions of this Act, concerning Lands subject to be inclosed, converted into or used as regulated Pasture, shall be paid and borne by the Persons interested therein, in proportion to their respective Liabilities to Rates under this Act, according to the Rule of Rating established in respect of such Gated or Stinted Pasture under this Act, and shall be paid at such Time and Place and to such Persons as the Valuer, with the Approbation of the Commissioners, signified by Writing under their Hands and Seal, shall direct, and shall be recoverable in such and the same Manner as the Expences of an Inclosure made in pursuance of this Act.

Power to enter Land for Surveys, &c.

CXXIII. And be it enacted, That for surveying and valuing any Land to be inclosed or otherwise dealt with under this Act, and for the other Purposes of this Act, it shall be lawful for the Commissioners, or an Assistant Commissioner or Valuer, or any Person or Persons to be appointed by such Commissioners, Assistant Commissioner, or Valuer, at any Time after Application has been made to the Commissioners to sanction an Inclosure, or to certify to the Expediency of an Inclosure, as the Case may be, to make any Survey, Admeasurement, Plan, or Valuation, with Assistants and Servants, and at any Time or Times whatsoever, until the Inclosure or other Proceedings under this Act shall be completed, to enter into, view, and examine, survey or admeasure, all and every Part of the Land to be inclosed or dealt with, and to do or cause to be done any Act or Thing necessary for putting this Act into execution.

Expences of Inclosures.

CXXIV. And be it enacted, That the Allowances and Payments to be made to and by the Valuer, which shall have been audited and approved by or under the Directions of the Commissioners, and all other the Expences of every Inclosure, except the Allowances

and Salaries to the Commissioner who is to have a Salary, and to the Assistant Commissioners, Secretary, Clerks, Messengers, and Officers of the Commissioners, and the travelling and other Expences of the Commissioners and Assistant Commissioners, and except any Expences which the Commissioners or Assistant Commissioner, or any Court under the Powers of this Act, shall order to be otherwise paid, shall be borne and defrayed by the several Persons interested in the Lands to be inclosed (except the Surveyors of Highways, Churchwardens and Overseers, and Persons to whom Lands shall be allotted for public Purposes, in respect of the Allotments herein-before authorized or directed to be made to them respectively) in such Shares and Proportions, and shall be paid at such Time and Place, or respective Times and Places, and to such Persons, as the Valuer, with the Approbation of the Commissioners, signified by Writing under their Hands and Seal, shall direct; and such Valuer shall give Notice requiring Payment of the respective Shares and Proportions of such Expences on the Church Door, and shall give to all Persons so liable, who shall not reside in the Parish in which the Land inclosed or any Part thereof shall be situate, and whose respective Places of Abode shall be known to the Valuer, Notice by Letter sent by the Post of the Sums they respectively shall be liable to pay, at least Fourteen Days before the Time appointed for such Payment; and the Valuer shall from Time to Time make Estimates of all such Expences, and raise the Amount of such Estimates at such Times as he shall, with such Approbation of the Commissioners, deem proper, either before or after the Confirmation of the Award.

Estimates of Expences to be approved of at public Meeting.

CXXV. Provided always, and be it enacted, That before the Commissioners shall approve the Estimates of such Expences they shall submit the same to a Meeting of Persons interested, called after Seven Days Notice, and shall take into consideration any Representation with respect to such Estimates which may be made to them on the Part of the Majority of the Persons present at such Meeting.

Remedies in case of Non-payment of Expences.

CXXVI. And be it enacted, That if any Person shall refuse or neglect to pay his Proportion of such Expences within such Time and to such Person as the Valuer shall appoint, it shall be lawful for the Valuer to recover the same, together with lawful Interest, to be computed from the Day on which the same ought to have been paid, by Action at Law in his own Name in any of Her Majesty's Courts of Record at *Westminster*, or it shall be lawful for him, by Warrant directed to any Person whomsoever, to cause the same, with such Interest thereon as aforesaid, to be levied by Distress, or it shall be lawful for the Valuer, or any Person authorized by him, immediately after such Neglect or Refusal, to enter into and upon the Premises so to be allotted to such Person, and demise the same, or to demise any Stint or Right of Pasture allotted to such Person, and receive the Rents and Profits thereof respectively, until thereby or otherwise such Share or Proportion, with lawful Interest as aforesaid, and also all the Costs and Expences attending such Entry upon and Demise, and Receipt of the Rents and Profits of the said Premises, shall be fully

paid and satisfied: Provided always, that no such Action at Law as aforesaid shall be brought by the Valuer against any Person for his Proportion of such Expences as aforesaid, nor shall any Proceeding be taken to levy any such Proportion of Expences by Distress as aforesaid, before the Expiration of Thirty Days after Notice in Writing that such Proportion of Expences is in arrear, and requiring Payment thereof, shall have been given to the Person liable to pay the same, or left at the usual Place of Abode of such Person.

Power to make additional Rate.

CXXVII. Provided always, and be it enacted, That if at any Time after the Allotments shall have been staked out it shall appear to the Valuer, either before or after the Confirmation of the Award, that the Money to arise by any previous Rates will not be sufficient to defray the Expences aforesaid, the Deficiency shall, with such Approbation of the Commissioners as aforesaid, be made up and raised from Time to Time by a Rate to be made and levied upon the several Persons interested in the Lands to be inclosed (except as aforesaid), in such Shares and Proportions, within such Time, and to be paid to such Persons as the Valuer shall from Time to Time direct; and in case any Persons herein-before made subject to the Payment of any Money towards such Expences shall neglect or refuse to pay his Share or Proportion of any such Rate within the Time appointed for that Purpose, or at any Time after such Demand, the same shall be levied and recovered in the Manner directed by this Act with respect to the previous Rate.

Commissioners may remove Valuers

CXXVIII. And be it enacted, That if any Valuer or Surveyor chosen or appointed to act in the Matter of any Inclosure or other Matter under this Act shall, before his Duties shall be fully performed, refuse to attend to, or become by Sickness or otherwise incapable to act in such Matter, or by Writing under his Hand desire to be discharged from the Office of Valuer or Surveyor respectively, or shall in the Judgment of the Commissioners neglect his Duties, or misconduct himself in his Office, or become or be found incompetent or unfit to act as a Valuer or Surveyor under this Act, it shall be lawful for the Commissioners, by Order under their Hands and Seal, to remove him from the Office of Valuer or Surveyor, as the Case may be; and if any Valuer or Surveyor shall be so removed, or shall die, it shall be lawful for the Commissioners, by Order under their Seal, to appoint a Valuer or Surveyor in his Stead, and every Valuer and Surveyor so appointed shall have the same Powers as if he had been chosen at a Meeting of the Persons interested in the Land in manner herein-before directed.

Valuer not to purchase Lands in the Parish for Seven Years after the Award.

CXXIX. And be it enacted, That no Valuer who shall have acted in the Matter of any Inclosure shall be capable of being a Purchaser of any Land within the Parish in which the Lands to be inclosed, or any Part thereof, shall be situate, until the Expiration of Seven Years after the Confirmation of the Award in such Inclosure.

Repayment to Consolidated Fund.

CXXX. And be it enacted, That it shall be lawful for the Commissioners, having regard to the Time and Labour and Expences of the Assistant Commissioners and all other Persons, if any, specially

employed and paid by the Commissioners in or about any Inclosure, Exchange, Division, Partition, or other Proceeding under this Act, by any Order under their Hands and Seal, to order and declare that a Sum, in such Order to be mentioned, be paid to the Commissioners in respect of the Salary, Allowance, and Expences of the Assistant Commissioners and other Persons, if any, so specially employed in or about such Inclosure, Exchange, Division, Partition, or other Proceeding; and the Commissioners shall by such Order declare such Sum to be charged on the Persons interested in the Land to be inclosed, or to which such Proceeding shall relate, in such Shares as they shall think just, and shall appoint a Time for Payment thereof; and the same shall be raised in the same Manner as the Expences of the Inclosure, or of subjecting the Land to the Provisions concerning regulated Pasture, are directed to be raised under this Act, and be deemed Part of the Expences of the Inclosure or Matter aforesaid, or, in the Case of an Exchange, Division, or Partition, in the same Manner as the Expences of such Exchange, Division, or Partition, and when raised shall be paid to the Commissioners, who shall forthwith pay the same into Her Majesty's Exchequer, to be carried to the Account of the Consolidated Fund.

Persons attending Meetings to pay their own Expences.

CXXXI. Provided always, and be it enacted, That the several Persons interested in the Inclosure or other Proceeding under this Act, and their respective Agents, shall pay their own Expences whenever they shall attend any of the Meetings to be held in the Matter of any Inclosure.

Expences of Witnesses.

CXXXII. And be it enacted, That the Commissioners or Assistant Commissioner acting in the Matter of any Inclosure, or in any Inquiry into the Expediency or Inexpediency of any proposed Inclosure, where they or he may see fit, may order such Expences of Witnesses, and of the Production of any Books, Deeds, Court Rolls, and Writings, Maps, Plans, and Surveys, or Copies thereof, and all other Expences (except the Salary or Allowance to any Assistant Commissioner) incurred in the Settlement of any Suit or Difference, or in the hearing and determining any Objection or Matter whatever before the said Commissioners or any Assistant Commissioner, to be paid by such Parties interested in the Production thereof respectively, or in the Event of such Suit, Difference, Objection, or Matter, or in any such Inquiry, by or in such Proportions as the Commissioners or Assistant Commissioner shall think fit and reasonable; and the Commissioners may, when they shall see occasion, require such Security to be given by Persons making Application for any Inquiry under this Act, for the Payment by such Persons of the Expences of or occasioned by such Inquiry, as the Commissioners may think fit.

Power to mortgage Allotments.

CXXXIII. And be it enacted, That it shall be lawful for the respective Persons interested in Allotments in Severalty or Allotments of Stints or Rights of Pasture respectively to be made under this Act, being Tenants for Life or in Tail, or for any other Estate of Freehold or Inheritance, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Proprietors, being under Coverture, Infants, Lunatics, Idiots, or under any other Disability or Incapacity, or

or beyond the Seas, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, and for the Trustees or Feoffees for charitable, parochial, or other Uses, or the Majority in Number of them, in respect of any Lands held by them in trust for any charitable, parochial, or other Uses, (with the Consent of the Commissioners, testified in Writing under their Hands and Seal,) and for the Incumbent of any Ecclesiastical Benefice, with the Consent in Writing of the Bishop of the Diocese and of the Patron of such Benefice, from Time to Time to charge their respective Allotments with any Money not exceeding, as to any Allotment in Severalty, Five Pounds *per* Acre, towards their respective Proportions of the Inclosure Expences, and for securing the Repayment of such Money, with Interest, to mortgage or demise the said Allotments unto or in trust for any Person who shall advance any Money for any Term of Years, but so that every such Mortgage or Demise be made with a Condition to cease or upon trust to be surrendered or assigned when the Money thereby to be secured, with all Interest thereon, shall have been fully paid, and so that in every such Mortgage or Demise which shall be made by or on behalf of any Person entitled to any such Allotment for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the Money to be secured during his Life, in such Manner that no Person afterwards becoming possessed of such Lands shall be subject or liable to pay any larger Arrear of Interest than for Six Months previous to the Time when the Title of such Person shall accrue or commence; and every Incumbent of a Benefice by whom such Mortgage or Demise shall be made shall keep down the Interest on the Money to be secured, or on so much thereof as shall remain owing, and shall repay, in reduction of the Principal, One Thirtieth Part of the Money originally secured, at the Expiration of the Term of One Year from the Time of making such Mortgage, and a like Sum at the Expiration of each succeeding Term of One Year, until the whole be repaid; and every such Mortgage or Demise shall be valid in the Law for the Purposes thereby intended; and every such Mortgagee and his Assigns shall have the like Remedies in case of Nonpayment of the Monies thereby secured as in the Case of other Mortgages of the like Nature.

Power to sell Parts of Allotments.

CXXXIV. And be it enacted, That it shall be lawful for the Commissioners, on Application made to them in Writing by any of the Proprietors of Allotments to be made by virtue of this Act, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of such Proprietors, being under Coverture, Infants, Lunatics, Idiots, or under any other Disability or Incapacity, or beyond the Seas, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, or by any of the said Proprietors, being Tenants in Tail or for Life, or by any Trustees or Feoffees for charitable, parochial, or other Uses, or by the Majority in Number of them, or by any Incumbent of an Ecclesiastical Benefice in right of which an Allotment may have been made, and the Bishop of the Diocese and the Patron of such Benefice, to direct a Sale of any Part of any such Allotment, for raising a Sum of Money sufficient to defray the proportionable Part of the Expences which shall in such Rates be charged upon such Parties, and of the Expences of making and completing

completing such Sale: Provided always, that in all Cases in which the Monies so raised by any such Sale shall not be equal to the Money which might be borrowed or charged on such Allotment as aforesaid, it shall be lawful for the Proprietor, or the Person herein-before authorized to direct a Sale on behalf of the Proprietor, Part of whose Allotment shall be sold as aforesaid, to charge his Allotment with any Sum not exceeding the Difference.

Sales of Parts of Allotments how to be made.

CXXXV. And be it enacted, That such Sales shall be made by the Valuer, with the Approbation of the Commissioners, in the same Manner and subject to the same Regulations as are herein-after prescribed in respect of the Sale of Part of the Land subject to be inclosed towards defraying the Expences of the Inclosure; and every Part of an Allotment for which the full Purchase Money shall be paid shall be conveyed by the Commissioners, at the Expence of the Purchaser, as he shall appoint, and shall be inclosed and held by such Purchaser in Severalty: Provided always, that nothing herein contained shall enable the Commissioners to convey any Allotments set out by them as Copyhold or Customary as Freehold, but such Copyhold or Customary Allotments shall be held by the Purchaser thereof by, under, and subject to the same Rents, Suits, and Services as such Allotment would have been held in case no such Sale had been made.

Commissioners to receive and apply Purchase Money.

CXXXVI. And be it enacted, That the Receipt of the Commissioners shall be a sufficient Discharge to the Purchaser for the said Purchase Money; and such Purchase Money shall be applied by the Commissioners in or towards defraying the Costs and Expences for raising which such Sale shall have been made; and the Surplus (if any) shall be paid to the Parties from whose Allotments such Sale shall have been so made respectively; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors of such surplus Money shall be applied and disposed of in manner herein-after directed.

Application of Compensation Money of Parties under Disabilities.

CXXXVII. And be it enacted, That when any Money is, under the Provisions of this Act, directed to be paid for the Purchase of any Timber or Wood growing on any Land which shall belong to any Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, or Administrator, Husband, Guardian, Committee, or Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or Cestuique Trust, or to any Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, or to any Corporation, not being legally and equitably entitled to sell and dispose of such Timber and Wood, it shall be lawful for the Valuer out of such Money to defray the Proportion (if any) of the Inclosure Expences which shall be charged upon the Land, or any Land held under the same Title, on which such Timber or Wood actually grew, and also, with the Approbation of the Commissioners, to defray the Expence of any permanent Improvement, such as building, subdividing, dividing, draining, or planting, and the like, which shall in the Judgment of the Valuer be proper to be made, and shall be made, under his Direction, upon any Land to be under the Powers of this Act allotted to such Parties.

Investment of Surplus when 200*l.* or upwards.

CXXXVIII. And be it enacted, That if the Surplus of any such Monies, or the Surplus of any Monies to arise from the Sale of Part of an Allotment for raising Money for Expences, where the same shall not be paid to the Proprietors under the Directions herein-before contained, shall amount to or exceed the Sum of Two hundred Pounds, the same shall, with all convenient Speed, unless the Commissioners shall otherwise direct, under the Provisions herein-after contained, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Commissioners, pursuant to the Method prescribed by an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and the Endorsements thereon, as likewise the Endorsements on* South Sea *Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition in a summary Way by the Parties who would have been entitled to the Rents and Profits of the said Land, be applied to the following Purposes or any of them; (that is to say,)

12 G. 1. c. 32.

12 G. 2. c. 24.

The Redemption or Discharge of the Land Tax or of any Debt or other Incumbrance affecting the same Land, or affecting other Lands standing settled therewith to the same or the like Uses or Trusts:

The Purchase of other Land, to be conveyed or settled upon the like Uses or Trusts, or such of them as shall be then existing undetermined or capable of taking effect.

Payment of Dividends in the meantime.

CXXXIX. And be it enacted, That in the meantime and until such Application shall be made the said Money may, by Order of the said Court, to be made upon the like Petition, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or of Government Securities; and the Dividends or Interest of such Annuities or Securities shall from Time to Time be paid, by Order of the said Court, to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased, conveyed, and settled.

Application of Money under 200*l.*

CXL. And be it enacted, That in case the Surplus of any such Monies as aforesaid shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, the same shall, at the Option of the Parties who for the Time being would have been entitled to the Rents and Profits of the said Land,

or their Guardians or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the Commissioners, to be signified in Writing under their Seal, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the said Parties, who for the Time being would have been entitled to the Rents and Profits of the said Land as aforesaid, such Nomination to be approved of by the Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands (or Common Seal, as the Case may be,) of the nominating Parties, and under the Seal of the Commissioners; and in any Case in which such Monies shall amount to or exceed the Sum of Two hundred Pounds, the same, if the Commissioners shall so think fit and direct, shall in like Manner be paid to Trustees to be nominated and approved as aforesaid; and the Money so paid to such Trustees, and the Dividends and Produce arising therefrom, shall be by them applied in like Manner as is herein-before directed with respect to Money so to be paid into the Bank of *England*, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Under 20*l*.

CXLI. And be it enacted, That in case the Surplus of any such Monies as aforesaid shall be less than Twenty Pounds the same shall be paid to the Parties for the Time being entitled to the Rents and Profits of the said Land, for their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their Guardians, Committees, or Trustees, for the Use and Benefit of the Parties respectively entitled thereto.

Sale of Land by Valuer for Expences.

CXLII. Provided always, and be it enacted, That in case the Valuer acting in the Matter of any Inclosure shall, under the Instructions herein-before required in this Behalf, proceed to raise all or any Part of the Expences of the Inclosure by Sale of Part of the Land proposed to be inclosed, such Valuer shall set out such Parts of the Land to be inclosed as he shall judge sufficient in Value to defray the Expences aforesaid, and shall, from Time to Time as he shall find expedient, sell and dispose of the same by public Auction or by private Contract, with the Approbation of the Commissioners; and the Purchase Monies to arise by such Sales shall be paid into the Hands of the Commissioners, or as they shall direct, and shall be by them applied in discharging the said Expences.

Conveyances to be made by Commissioners.

CXLIII. And be it enacted, That upon every Sale to be made by the Valuer under the Provisions of this Act the Commissioners shall sign and deliver to each Purchaser a Receipt for his Purchase Money, which shall be a sufficient Discharge for the same; and upon Receipt of the whole Purchase Money for any of the Lands which shall be sold as aforesaid the Commissioners shall convey such Lands, and the Fee Simple and Inheritance thereof in possession, by Conveyance under their Hands and Seal, to such Uses and in such Manner as such Purchaser shall direct; and after such Conveyance the Premises

mises conveyed shall be Freehold of Inheritance, and shall be held to the Uses and in manner expressed by such Conveyance; and any such Conveyance may be to the Effect set forth in the Schedule to this Act, and shall be Evidence of the Regularity of the Sale in pursuance of which such Conveyance shall be made.

Application of Purchase Monies.

CXLIV. And be it enacted, That all such Purchase Monies as shall be from Time to Time raised or received by the Commissioners by such respective Sales as aforesaid shall, after Payment of the Charges and Expences attending such respective Sales, be paid and applied by the Commissioners towards the Expences of the Inclosure; and the respective Purchasers or other Persons paying the same shall not in any Manner be liable to see to the Application, or be answerable for any Misapplication thereof.

Notice may be given to Reversioners.

CXLV. And be it enacted, That the Commissioners, before authorizing or certifying the Expediency of any Inclosure, or determining any Claim or Matter, or approving any Report or Award, or in any other Stage of the Proceedings on any Inclosure, or of the Proceedings for subjecting any Gated or Stinted Pasture to the Provisions of this Act concerning regulated Pastures, if they shall see occasion, may require Notice to be given, in any such Manner as they shall direct, to the Person next in remainder, reversion, or expectancy of an Estate of Inheritance in any Lands, or to any other Person to whom they may think Notice ought to be given, and may by themselves or by some Assistant Commissioner hear and determine any Objection which may be made by the Person so next in remainder, reversion, or expectancy.

Copies of Award to be made and deposited.

CXLVI. And be it enacted, That Two Copies of every confirmed Award shall be made, and sealed with the Seal of the said Commissioners, and one such Copy shall be deposited with the Clerk of the Peace of the County in which the Lands inclosed shall be situate, who is hereby required to deposit and keep the same among the Records of the said County, so that recourse may be had thereto by any Person interested in the Premises, and the other Copy shall be deposited with the Church or Chapel Wardens for the Time being of the Parish in which the Lands or the greater Part thereof shall be situated, to be kept by them and their Successors in Office with the public Books, Writings, and Papers of the Parish, or shall be deposited with such other fit Persons as the Commissioners shall approve; and all Persons interested therein may have Access to and be furnished with Copies of or Extracts from any such Copy, on giving reasonable Notice to the Person having Custody of the same, and on Payment of Two Shillings and Sixpence for such Inspection, and after the Rate of Three-pence for every Seventy-two Words contained in such Copy or Extract; and all such Copies of and Extracts from any such Copy of any confirmed Award as shall be furnished by the Clerk of the Peace shall be signed by the said Clerk of the Peace or his Deputy, purporting the same to be a true Copy; and every such Copy and Extract, so signed, shall be received in Evidence without further Proof thereof; and every Recital or Statement in such confirmed Award or any sealed Copy thereof shall

shall be deemed satisfactory Evidence of the Matters therein recited or stated.

Exchanges may be made of Land not subject to be inclosed.

CXLVII. And be it enacted, That it shall be lawful for the Commissioners, upon the Application in Writing of the Persons interested, according to the Definition herein-before contained, in Lands not subject to be inclosed under this Act, or in Lands subject to be inclosed under this Act as to which no Proceedings for an Inclosure shall be pending, and who shall desire to effect an Exchange of Lands in which they respectively shall be so interested, to direct Inquiries whether such proposed Exchange would be beneficial to the Owners of such respective Lands; and in case the Commissioners shall be of opinion that such Exchange would be beneficial, and that the Terms of the proposed Exchange are just and reasonable, they shall, unless Notice of Dissent to the proposed Exchange shall be given, under the Provision herein-after contained, cause to be framed, and confirmed under the Hands and Seal of the Commissioners, an Order of Exchange, with a Map or Plan thereunto annexed, in which Order shall be specified and shown the Lands given and taken in exchange by each Person so interested respectively; and a Copy of such Order, under the Seal of the Commissioners, shall be delivered to each of the Parties on whose Application the Exchange shall have been made; and such Order of Exchange shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, and shall be in nowise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made; and the Land taken upon every such Exchange shall be and enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the Lands given on such Exchange would have stood limited or been subject to in case such Order had not been made; and all Expences with reference to such Order and Exchange, or the Inquiries in relation thereto, or to any proposed Exchange, shall be borne by the Persons on whose Application such Order shall have been made or such Inquiries undertaken: Provided always, that no Exchange shall be made of any Land held in right of any Church or Chapel or other Ecclesiastical Benefice, without the Consent, testified in Writing, of the Bishop of the Diocese and the Patron of such Benefice.

Division of intermixed Lands.

CXLVIII. And be it enacted, That it shall be lawful for the Commissioners, upon the Application in Writing of any Number of Persons who shall be separately interested in Parcels of Land not subject to be inclosed under this Act, or of Land subject to be inclosed under this Act as to which no Proceedings for an Inclosure shall be pending, so intermixed or divided into Parcels of inconvenient Form or Quantity that the same cannot be cultivated or occupied to the best Advantage, but forming together a Tract which may be divided into convenient Parcels, and who shall desire to have the whole of such Tract divided into convenient Parcels, to be allotted in lieu of the old Parcels, to direct an Inquiry whether such proposed Division and Allotment would be beneficial to the Owners of such Lands; and in

case the Commissioners shall be of opinion that the proposed Division and Allotment would be beneficial, they shall, unless Notice of Dissent from the proposed Division and Allotment shall be given, under the Provisions herein-after contained, cause to be framed an Order for the Division or Allotment thereof accordingly, with a Map or Plan thereunto annexed, in which shall be specified, as well the Parcels which the several Persons on whose Application such Order shall have been made were respectively interested in before such Division and Allotment, as the several Parcels allotted to them respectively by such Order, and such Order shall be confirmed under the Hands and Seal of the Commissioners; and a Copy of such Order, sealed with the Seal of the Commissioners, shall be delivered to each of the Parties on whose Application the Division and Allotment shall have been made; and such Order of Division shall be good in the Law to all Intents and Purposes whatsoever, and shall in nowise be liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made; and the Parcels of Land taken by the Persons interested under such Division shall be and enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the several Lands which the Persons taking the same shall have relinquished or lost on such Division would have stood limited to, for, or upon, or been subject to, in case such Order had not been made; and all Expences with reference to any such Order, Division, and Allotment, or the Inquiries in relation thereto, or to any proposed Division or Allotment, shall be borne by the Persons on whose Application such Order shall have been made or such Inquiries undertaken.

Inconvenient Allotments for the Poor and public Purposes may be exchanged for Land more convenient.

CXLIX. And be it enacted, That where, under the Powers of any Inclosure Act, any Allotment shall have been made in trust for the poor Inhabitants of any Parish, or of any Class of such poor Inhabitants, or in trust to be leased, used, or enjoyed to or by or upon any other Trusts for the Benefit of such poor Inhabitants, or for the Purposes of Exercise and Recreation, or for any other public or parochial Purpose, and it shall appear to the Commissioners that such Allotment, by reason of its Distance from the Dwellings of such poor Inhabitants, or from the Nature or Quality of the Soil, or otherwise, shall not be convenient or suitable for the Purposes for which the same shall have been made, it shall be lawful for the Commissioners, upon the Application in Writing of the Churchwardens and Overseers of the Poor of the Parish in which such Allotment shall be situate, or of the Trustees for the Time being of such Allotment, and of the Person interested in Land more convenient or suitable for the Purposes for which such Allotment shall have been made, and who may be willing to give such Land in exchange for such Allotment, in case the Commissioners shall be of opinion that such Exchange would be beneficial to the poor Inhabitants or other Persons for whose Benefit or more suitable to the Purposes for which such Allotment was made, to cause to be framed and to confirm an Order of Exchange of such Allotment for such other Land as aforesaid; and the Provisions herein contained concerning Exchanges shall apply to such Allotment as if such Churchwardens

and Overseers or Trustees respectively were the Persons interested in such Allotment.

Notices of such Exchanges and Divisions to be given.

CL. Provided always, and be it enacted, That no such Order of Exchange or Order of Division and Allotment as aforesaid shall be confirmed by the Commissioners until Notice shall have been given by Advertisement in Three successive Weeks of such proposed Exchange or Division and Allotment, and Three Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case before the Expiration of such Three Calendar Months any Person entitled to any Estate in or to any Charge upon any Land included in such proposed Exchange or Division and Allotment shall give Notice in Writing to the Commissioners of his Dissent from such proposed Exchange or Division and Allotment, as the Case may be, the Commissioners shall not confirm an Order for such Exchange or such Division or Allotment, unless such Dissent shall be withdrawn, or it shall be shown to the Commissioners that the Estate or Charge of the Party so dissenting shall have ceased.

Expences of Exchanges and Divisions.

CLI. And be it enacted, That if any Difference shall arise touching the said Expences in relation to any Exchange, Division, Allotment, Orders, or Inquiries as aforesaid, or the Share thereof to be paid by any Person, it shall be lawful for the Commissioners to certify under their Hands and Seal the Amount to be paid by such Person; and in case any Person shall neglect or refuse to pay his Share so certified to be payable by him, and upon the Production of such Certificate before any Two Justices of the Peace for the County or other Jurisdiction wherein the Land shall be situate, such Justices, upon the Nonpayment thereof, are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress.

Commissioners may remedy Defects and Omissions of Awards under local Acts of Inclosure, or under 6 & 7 W. 4. c. 115.

CLII. And be it enacted, That where any Award already made and executed, or hereafter to be made and executed, in pursuance of any local Act of Inclosure, or in pursuance of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Inclosure of Open and Arable Fields in* England *and* Wales, shall not have duly distinguished the several Tenures of all the Lands thereby awarded or allotted, or of any other Lands of which the Tenure ought to have been distinguished in or by such Award, or the different Estates or Titles for or under which any Lands therein mentioned should be held, or shall not have duly distinguished the Lands which after such Award should remain subject to all or any Tithes, and the Lands which should be discharged from all or any Tithes, or where by any such Award an aggregate Allotment shall have been set out and awarded in any Case in which several and distinct Allotments ought to have been set out and awarded, in every such Case, and in every other Case in which it shall appear to the Commissioners that Inconvenience shall have arisen from Inaccuracy, Confusion, or Omission in any such Award, it shall be lawful for the Commissioners, upon the Application in Writing of any Person interested in the Lands to which such Award may relate, or of any Person prejudiced by the Inaccuracy, Confusion,

Confusion, or Omission in such Award, to make such Inquiries and take such Evidence, by themselves or by an Assistant Commissioner, as they shall think fit, and by an Order under their Hands and Seal to amend such Award, and to distinguish the several Tenures of the Lands thereby allotted and awarded, and the different Estates or Titles for or under which the same should be held, and to distinguish the Lands which should be discharged from all or any Tithes, and the Lands which should remain subject to all or any Tithes, and to subdivide aggregate Allotments into separate Allotments, and to distinguish the Tenures or Titles thereof, or the Lands or Rights in respect of which they were respectively made, and generally to make or give such Declarations or Directions as may appear necessary to supply any Omission and rectify any Inaccuracy or Confusion in such Award; and such Order of the Commissioners shall have the same Force and Effect as if the Allotments, Directions, and Declarations therein contained had been duly made and contained in the original Award, in addition, or, as the Case may require, in substitution for the Parts thereof to which such Amendments may relate; and all Expences with reference to such Order as last aforesaid, and of and consequent upon all Inquiries in relation thereto, or to any proposed Amendment of any such Award, shall be borne by the Persons on whose Application such Order shall be made or such Inquiries undertaken.

Commissioners may revive Powers under local Inclosure Acts lost by Lapse of Time, or otherwise.

CLIII. And be it enacted, That where under any local Act of Inclosure the Powers and Authorities originally vested in the Commissioner or Commissioners acting under any such local Act, or any such Power or Authority, shall not have been fully executed according to the Intent of such local Act, and shall have been lost or become incapable of being executed by reason of the Neglect or Omission to execute the same, or to take some Proceeding necessary to the due Execution thereof within the Time limited in that Behalf by such local Act, or from any other Cause whatsoever, it shall be lawful for the Inclosure Commissioners for *England* and *Wales*, by any Order under their Hands and Seal, to authorize the Commissioner or Commissioners appointed by or acting under the Authority of such local Act to execute and to carry into effect the Powers and Authorities originally vested in such last-mentioned Commissioner or Commissioners, or in any previous Commissioner or Commissioners under such local Act, in the same Manner as if such Powers and Authorities had not been lost or become incapable of being executed, or as near thereto as Lapse of Time and other Circumstances may permit, and subject to such Conditions and Restrictions as the Justice of the Case may appear to require, and in and by such Order to direct any Act or Proceeding to be done or taken in substitution for any Act or Proceeding which shall have been required or directed by such local Act, and which shall have become incapable of being done or taken by Lapse of Time or other Circumstances; and all Proceedings, Adjudications, Orders, Directions, and Acts taken, made, and done by the Commissioner or Commissioners under any local Act, in pursuance of any such Order as aforesaid of the Inclosure Commissioners for *England* and *Wales*, shall have the same Force and Effect as if the same had been duly authorized by such local Act; and the Expences of such Order, and of the Inquiries

in

in relation thereto, shall be paid by the Commissioner or Commissioners acting under such local Act, and shall be deemed Expences under the Inclosure by such local Act authorized.

Commissioners may appoint Persons to complete Proceedings in an imperfect Inclosure.

CLIV. And be it enacted, That where the Powers and Authorities of any local Act of Inclosure shall not have been fully executed and performed, whether the same shall or shall not have been lost or have become incapable of being executed from Lapse of Time or otherwise, and there shall be no Commissioner acting under such local Inclosure Act, or in case from any other Cause any of the Persons interested in the Land to which such local Act shall relate shall be desirous that the Powers and Authorities of such Act should be executed, and the Proceedings thereunder completed under the Direction of the Inclosure Commissioners for *England* and *Wales*, it shall be lawful for the said Commissioners, by Order under their Hands and Seal, upon the Application in Writing of the major Part in Value of the Persons interested in the Lands subject to be inclosed under such local Act, to appoint any Person to execute the Powers or Authorities of such local Act, in the Place of the Commissioner or Commissioners by such Act appointed or authorized to be appointed, and to complete the Proceedings under the same; and it shall be lawful for the said Inclosure Commissioners for *England* and *Wales*, by such Order as aforesaid, or by any supplemental or other Order, to authorize the Person so appointed to execute and to carry into effect any Powers or Authorities originally vested in any Commissioner or Commissioners under such local Act, and which may have been lost or become incapable of being executed, and to give such other Directions in relation thereto as under the Provision herein-before contained might have been given to the Commissioner or Commissioners appointed by or acting under a local Act; and the Person so appointed by the Commissioners shall and may complete the Proceedings under such local Act, and make an Award therein, and shall have such and the like Powers and Authorities in all respects as the Commissioner or Commissioners originally appointed by or acting under such local Act would have had if he or they had continued to act; and it shall be lawful for the Inclosure Commissioners for *England* and *Wales*, by Order under their Hands and Seal, to remove any Person so appointed, and upon such Removal, or in case any Person so appointed shall die, or desire to be discharged from his Office, before the Proceedings in such Inclosure shall be completed, from Time to Time to appoint any other Person in his Stead, with all such Powers and Authorities as aforesaid; and the Expences of such Orders of the Commissioners, and of all Proceedings in relation thereto, shall be Expences in the Inclosure, and raised in the same Manner as other Expences may by such local Act be authorized to be raised.

Commissioners to give Notice before proceeding to amend Awards under local Act.

CLV. Provided always, and be it enacted, That the Commissioners shall not in any Case proceed to amend any Award under any local Act of Inclosure, or under the said Act of the Seventh Year of the Reign of King *William* the Fourth, or to authorize the Execution of any Power or Authority under any such local Act which shall have been lost or become incapable of being executed as aforesaid, or

to authorize any Person to be by them appointed as aforesaid to execute the Powers or Authorities of any local Act in the Place of the Commissioner or Commissioners appointed under such local Act, until Notice of the Application to the Commissioners to amend such Award, or to authorize the Execution of such Powers or Authorities, or to authorize any Person to be by them appointed as aforesaid, shall have been given by Advertisement in Four successive Weeks; and in case within Two Calendar Months after the Publication of the last of such Advertisements One Fourth Part in Number or Value of the Persons interested, according to the Definitions herein-before contained, in the Land to which the Award so proposed to be amended, or the Part thereof proposed to be amended, shall relate, or in the Land to be affected by the Exercise of such Powers or Authorities, shall give Notice in Writing to the Commissioners of their Dissent from such Application, the Commissioners shall not proceed further on such Application.

Proviso for Cases where Dealings have been had with Land on Faith of Inaccuracies, &c. proposed to be rectified.

CLVI. Provided also, That in every Case in which Dealings shall have been had with such Land, or some Part thereof, on the Faith of the Inaccuracy, Confusion, or Omission which it shall be proposed to rectify or supply, or on the Faith of such Powers or Authorities having been lost or become incapable of being executed, or on the Faith of the Powers or Authorities of such local Act not being executed under the Powers of such local Act, or the actual Possession of the Land, or the Receipt of the Rents and Profits of the Land, to which the Award so proposed to be amended, or the Part thereof proposed to be amended, shall relate, or, as the Case may be, the Possession of the Land, or the Receipt of the Rents and Profits of the Land, to be affected by the Exercise of such Powers or Authorities, would be altered by the proposed Amendment of the Award, or by the Exercise of such Powers or Authorities as aforesaid, the Commissioners shall not proceed on such Application, so far as respects the Land with which such Dealings may have been had, or of which the Possession or the Receipt of Rents and Profits would be altered as aforesaid, without the Consent of the Persons interested in such last-mentioned Land, nor shall the Commissioners proceed in any Case upon such Application, so far as respects such last-mentioned Land, in case within Two Calendar Months after the Publication of the last of such Advertisements as aforesaid any Person entitled to any Estate in or to any Charge upon such last-mentioned Land shall give Notice in Writing to the Commissioners of his Dissent from such Application.

Commissioners may confirm Awards or Agreements made under supposed Authority of 6 & 7 W. 4. c. 115.

CLVII. And be it enacted, That where by any Award or Agreement expressed to be made under the Authority of the said Act of the Seventh Year of King *William* the Fourth, intituled *An Act for facilitating the Inclosure of Open and Arable Fields in* England *and* Wales, any Moors, Commons, or Waste Lands, or other Lands not subject to be inclosed under the Provisions of such last-mentioned Act, shall have been inclosed or apportioned and allotted, and the Lands so inclosed or apportioned and allotted shall be within the Definition of Lands subject to be inclosed under this Act, it shall be lawful for the Commissioners, upon the Application of any Person

interested in any Land so inclosed or apportioned and allotted, to make such Inquiries in relation to such Award or Agreement as the Commissioners shall think fit; and if it shall appear to the Commissioners that the Rights and Interests of all Parties interested in the Lands expressed to be inclosed or apportioned and allotted by such Award or Agreement shall have been duly provided for and compensated thereby, or might be duly provided for and compensated thereby if such Award or Agreement were confirmed, or amended and confirmed, as herein-after mentioned, it shall be lawful for the Commissioners, by any Order under their Hands and Seal, to confirm such Award or Agreement, or to amend the same, as the Justice of the Case and the Rights and Interests of the Parties may appear to the Commissioners to require, and to confirm the same, with the Amendments specified in such Order, as the Commissioners shall think fit; and every Award and Agreement so confirmed shall, with the Amendments, if any, which shall have been made by such Order, have the same Force and Effect as a final Award under the Authority of this Act; and all Expences with reference to such Order as last aforesaid, and of all Inquiries in relation thereto, or to any proposed Confirmation of any such Award or Agreement, shall be borne by the Persons interested in the Lands by such Award or Agreement inclosed or apportioned and allotted, in such Proportions as the Commissioners shall direct: Provided always, that the Commissioners shall not confirm any such Award or Agreement, or proceed to make any Inquiries in relation thereto, unless it shall be made to appear to the Commissioners that the Persons making the Application for a Confirmation of such Award or Agreement represent at least One Third in Value of the Interests in such Lands.

Power to reduce the Number of Trustees under local Act where a sufficient Number of Persons qualified cannot be found.

CLVIII. And be it enacted, That where, under any local Act of Inclosure, or under any Award made under the Authority of any local Act of Inclosure, Provision shall have been made for the Election, from among Persons having certain Qualifications in respect of Property or otherwise, of a Number of Trustees or other Functionaries for making or maintaining Works on the Lands inclosed, or for any other local Functions, and it shall appear to the Commissioners that by reason of Alterations in the State of Property or otherwise Persons cannot be found according to the Qualifications required by such local Act of Inclosure to fill up the Number of Trustees or other Functionaries required by such local Act, it shall be lawful for the Commissioners, after such Inquiries as they shall think fit, upon the Request and at the Expence of any Persons interested in the Works to be made or maintained, or in the Functions to be performed by such Trustees or Functionaries, by Order under the Seal of the Commissioners to declare that any such lesser Number, in such Order to be mentioned, of Trustees or other Functionaries, may be from Time to Time elected for the Purposes or be competent to exercise and perform the Powers and Functions in such local Act of Inclosure required or authorized to be exercised by the Number of Trustees or other Functionaries directed to be elected by such local Act, and such lesser Number shall be from Time to Time elected, and shall be competent to exercise and perform such Powers and Functions accordingly.

CLIX. And

Penalties and Forfeitures how recoverable.

CLIX. And be it enacted, That all Penalties and Forfeitures imposed by this Act, or which shall be imposed by the Commissioners or Assistant Commissioner acting in the Matter of any Inclosure or other Proceeding under or by virtue of the Authority of this Act, shall be levied and recovered before any Two Justices of the Peace for the County in which the Land subject to be inclosed, or to which such other Proceeding shall relate, shall be situate, and not interested in the Matter in question, for which Purpose it shall be lawful for any such Justices of the Peace, upon Complaint made to them, to summon the Party accused and the Witnesses on both Sides, and upon the Appearance or Contempt of the Party accused to examine such Witnesses upon Oath (which Oath such Justices are hereby empowered to administer), and upon such Evidence to give Judgment accordingly, and to condemn the Party accused (Proof of the Accusation being made by One or more Witness or Witnesses as aforesaid) in such Penalties and Forfeitures as the Offender shall have incurred, and to levy such Penalties and Forfeitures by Distress, together with reasonable Costs; all which Penalties and Forfeitures the Application whereof is not particularly directed by this Act shall, and so soon as the same shall be levied, be paid and applied to and for such Uses, Intents, or Purposes as the Commissioners in and by any Writing under their Hands and Seal shall order, direct, or appoint.

Distress, how to be made.

CLX. And be it enacted, That when in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, shall be directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the surplus Monies arising from such Sale, after satisfying such Sum of Money, and the Costs and Expences attending the Distress and Sale, shall, on demand, be rendered to the Party whose Goods and Chattels shall have been distrained.

Distress not unlawful for Informality.

CLXI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Warrant of Distress or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Notices, how to be given.

CLXII. And be it enacted, That all Notices by this Act directed to be given by Advertisement shall be given by an Advertisement to be inserted in some Newspaper or Newspapers printed or usually circulated in the County in which the Land subject to be inclosed, or other Land to which such Notice shall relate, shall be situate; and all Notices directed to be given on the Church Door shall be by Writing under the Hand of the Party giving such Notice, to be affixed on the principal outer Door of the Church of every Parish and Ecclesiastical District in which the Land subject to be inclosed, or other Land to which such Notice shall relate, or any Part thereof, shall be situate, on *Sunday* before Divine Service, or where in any such Parish or Ecclesiastical District there shall be no Church, then to

to be affixed in some conspicuous Place of such Parish or Ecclesiastical District on *Sunday* before Ten of the Clock in the Forenoon; and all Notices necessary to be given by the Commissioners or any Assistant Commissioner or Valuer acting in the Matter of any Inclosure (the Mode of giving which is not hereby particularly directed) shall be by either or both of the Methods aforesaid, as the Commissioners or Assistant Commissioner or Valuer respectively shall think fit; and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices shall relate.

Advertisements, Awards, &c. free of Duty.

CLXIII. And be it enacted, That no Advertisement inserted by Direction of the Commissioners or any Assistant Commissioner acting in the Matter of any Inclosure in the *London Gazette* or in any Newspaper for the Purpose of carrying into effect any Provision of this Act, and no Agreement, Award, Bond, or Power of Attorney made or confirmed or used under this Act, shall be chargeable with any Stamp Duty.

Persons giving false Evidence, &c. to be guilty of a Misdemeanor.

CLXIV. And be it enacted, That if any Person under the Provisions of this Act shall wilfully give false Evidence, or shall make or subscribe a false Declaration for the Purposes of this Act, or shall wilfully refuse to attend in obedience to any lawful Summons of the Commissioners or an Assistant Commissioner or Valuer, or to give Evidence, or shall wilfully alter, withhold, destroy, or refuse to produce any Book, Court Roll, or Writing, Map, Plan, or Survey, or any Copy of the same, which may be lawfully required to be produced before the Commissioners or Assistant Commissioner or Valuer, he shall be deemed guilty of a Misdemeanor.

Limitation of Actions.

CLXV. And be it enacted, That no Action or Suit shall be commenced against any Commissioners, Assistant Commissioner, Justice of the Peace, Valuer, or other Person, for any thing done under the Authority of this Act, until Two Calendar Months Notice thereof shall have been given in Writing to the Party against whom such Action or Suit is intended to be brought, or after sufficient Satisfaction or Tender of Amends shall have been made to any Party aggrieved, or after Twelve Calendar Months shall have expired from the Commission of the Act for which such Action or Suit shall be so brought, or in case there shall be a Continuance of Damages then within Twelve Calendar Months next after the doing or committing of such Damage shall have ceased; and every such Action shall be brought, laid, and tried in the County or Place where the Cause of Action shall have arisen, and not in any other County or Place; and if it shall appear that such Notice of Action or Suit was brought before Two Calendar Months Notice thereof given as aforesaid, or that sufficient Amends were made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before limited in that Behalf, or such Action shall be laid in any County or Place other than as aforesaid, then the Jury shall find a Verdict for the Defendant therein, or the Court, upon summary Application by Motion in any such Suit, may dismiss the same against such Defendant; and if a Verdict shall be found for such Defendant, or such Suit shall be dismissed upon Application as

aforesaid, or if the Plaintiff in such Action or Suit shall become Nonsuit, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action or Suit Judgment shall be given for the Defendant therein, then such Defendant shall have Costs, Charges, and Expences as between Attorney and Client.

Proceedings not to be removed by Certiorari.

CLXVI. And be it enacted, That no Order, Adjudication, or Proceeding made or had by or before the Commissioners or any Assistant Commissioner under the Authority of this Act, except as hereinbefore provided, or any Proceeding to be had touching any Offender against this Act, shall be quashed for Want of Form, or be removed or removeable by Certiorari or any other Writ or Process into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Interpretation Clause.

CLXVII. And be it enacted, That in the Construction and for the Purposes of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Person" shall mean and include the Queen's Majesty, and any Body Corporate, Aggregate or Sole, as well as an Individual; any Word importing the Singular Number only shall mean and include several Persons or Parties as well as one Person or Party, and several Things as well as one Thing respectively, and the converse; any Word importing the Masculine Gender only shall mean and include a Female as well as a Male; the Word "Inclosure" shall extend to and include Division or Allotment; the Word "inclose" and its Conjugates shall include the Meaning also of the Words "divide" and "allot" and their respective Conjugates; and the Words "local Act of Inclosure" shall extend to and include any local Act of which Inclosure, Division, or Allotment of Lands shall have been one of the Objects or Purposes; the Word "Manor" shall extend to and include any Hundred, Honor, or Lordship; the Word "Land" shall mean and include all Messuages, Lands, and Corporeal Tenements and Hereditaments; the Word "County" shall include any Riding or other like Division of a County, and any Liberty, City, or Place having a separate Commission of the Peace; the Word "Parish" shall include any Township or Vill or Hamlet having separate Overseers of the Poor, or extra-parochial District or Place; the Word "Church" shall mean and include any Chapel where there is no Church; the Word "Schoolhouse" shall mean any parochial or charitable Schoolhouse; the Words "the Commissioners" shall mean the Inclosure Commissioners for *England* and *Wales*; and the Words "Assistant Commissioner" shall mean the Assistant Commissioner appointed by the Inclosure Commissioners.

Act to extend only to England and Wales.

CLXVIII. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Alteration of Act.

CLXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session.

The SCHEDULE to which this Act refers.

Form of Conveyance by Commissioners.

In the Matter of the Inclosure.

We the Inclosure Commissioners for England and Wales, by virtue of an Act of Parliament passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], and in consideration of the Sum of paid into our Hands by being the Purchase Money of the Hereditaments herein-after described, do by these Presents convey unto his Heirs and Assigns, all that [*here describe the Premises*], with the Appurtenances, to hold the same unto the said his Heirs and Assigns [*here state the Uses, Trusts, or Purposes of the Conveyance, as the Case may require*]. In witness whereof we have hereunto affixed our Seal, this Day of .

Form of Summons.

To of in the County of Field Reeve of .

to wit. } I Esquire, One of Her Majesty's Justices of the Peace in and for the said County of do hereby summon you personally to be and appear before such Two of Her Majesty's Justices of the Peace as shall be present at in the said County on the Day of next, at the Hour of in the noon of the same Day, to answer the Complaint of *A. B.* that [he is refused reasonable Compensation for Diminution of his Right of Pasture in the regulated Pasture in], *or* [that the said *A. B.* is charged with an excessive Payment for Increase of his Right of Pasture in the regulated Pasture of], otherwise the Complaint will be proceeded with as if you had appeared. Given under my Hand and Seal, this Day of in the Year .

Form of Order.

to wit. } The Order of and Esquires, Two of Her Majesty's Justices of the Peace in and for the said County, made at in the said County of the Day of in the Year .

Whereas Complaint hath been made to us by *A. B.* for that he [*state the Complaint as in the Summons*]; we do declare that

that [the yearly Sum of is a reasonable Compensation for the Diminution of the Right of Pasture of the said *A.B.*] *or* [the yearly Sum of is a reasonable Payment for Increase of the Right of Pasture of the said *A.B.*], and do order that such yearly Sum be paid, according to the Directions of the Statute in that Behalf. Given under our Hands and Seals, this Day of in the Year .

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

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Deed to include all Houses, &c., and the Reversion and all the Estate.

II. That every such Deed, unless any Exception be specially made therein, shall be held and construed to include all Houses, Outhouses, Edifices, Barns, Stables, Yards, Gardens, Orchards, Commons, Trees, Woods, Underwoods, Mounds, Fences, Hedges, Ditches, Ways, Waters, Watercourses, Lights, Liberties, Privileges, Easements, Profits, Commodities, Emoluments, Hereditaments, and Appurtenances whatsoever to the Lands therein comprised belonging or in anywise appertaining, or with the same demised, held, used, occupied, and enjoyed, or taken or known as Part or Parcel thereof, and also the Reversion or Reversions, Remainder and Remainders, yearly and other Rents, Issues, and Profits of the same Lands, and of every Part and Parcel thereof, and all the Estate, Right, Title, Interest, Inheritance, Use, Trust, Property, Profit, Possession, Claim, and Demand whatsoever, both at Law and in Equity, of the Grantor, in, to, out of, or upon the same Lands and every Part and Parcel thereof, with their and every of their Appurtenances.

Stamp Duty on Deed to be same as on Lease, &c. for a Year.

III. That every such Deed under this Act shall be chargeable with the Stamp Duty with which the same would have been chargeable in case it had been a Release founded on a Lease or Bargain and Sale for a Year, and also with the same Stamp Duty (exclusive of progressive Duty) with which such Lease or Bargain and Sale for a Year would have been chargeable.

Remuneration for Deed under the Act not to be by Length only.

IV. That in taxing any Bill for preparing and executing any Deed under this Act it shall be lawful for the Taxing Officer, and he is hereby required, in estimating the proper Sum to be charged for such Transaction, to consider not the Length of such Deed, but only the Skill and Labour employed and Responsibility incurred in the Preparation thereof.

Deed failing to take effect by this Act to be as valid as if Act not made.

V. That any Deed or Part of a Deed which shall fail to take effect by virtue of this Act shall nevertheless be as valid and effectual, and shall bind the Parties thereto, so far as the Rules of Law and Equity will permit, as if this Act had not been made.

Construction of Act.

VI. That in the Construction and for the Purposes of this Act and the Schedules hereto annexed, unless there be something in the Subject or Context repugnant to such Construction, the Word "Lands" shall extend to all Freehold Tenements and Hereditaments, whether corporeal or incorporeal, and to such Customary Land as will pass by Deed, or Deed and Admittance, and not by Surrender, or any undivided Part or Share therein respectively; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and the converse; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Party" shall mean and include any Body Politic or Corporate or Collegiate as well as an Individual.

VII. That

VII. That the Schedules, and the Directions and Forms therein contained, shall be deemed and taken to be Parts of this Act. Schedules, &c. to form Part of Act.

VIII. That the Act shall commence and take effect from and after the First Day of *October* next. Commencement of Act.

IX. That this Act shall not extend to *Scotland*. Not to extend to Scotland.

SCHE-

SCHEDULES to which this Act refers.

The FIRST SCHEDULE.

This Indenture, made the Day of One thousand eight hundred and forty- [*or other Year*] in pursuance of an Act to facilitate the Conveyance of Real Property, between [*here insert Names of Parties, and Recitals, if any*], witnesseth, that in consideration of Sterling now paid by the said [*Grantee*] *or* [*Grantees*] to the said [*Grantor*] *or* [*Grantors*] (the Receipt whereof is hereby by him *or* them acknowledged), he *or* they the said [*Grantor*] *or* [*Grantors*] doth *or* do grant unto the said [*Grantee*] *or* [*Grantees*], his *or* their Heirs and Assigns for ever, All, *&c.* [*Parcels.*] [*Here insert Covenants, or any other Provisions.*] In witness whereof the said Parties hereto have hereunto set their Hands and Seals.

The SECOND SCHEDULE.

Directions as to the Forms in this Schedule.

1. Parties who use any of the Forms in the First Column of this Schedule may substitute for the Words "Covenantor" or "Covenantee," or "Releasor" or "Releasee," any Name or Names, and in every such Case corresponding Substitutions shall be taken to be made in the corresponding Forms in the Second Column.

2. Such Parties may substitute the Feminine Gender for the Masculine, or the Plural Number for the Singular, in any of the Forms in the First Column of this Schedule, and corresponding Changes shall be taken to be made in the corresponding Forms in the Second Column.

3. Such Parties may introduce into or annex to any of the Forms in the First Column any express Exceptions from or other express Qualifications thereof respectively, and the like Exceptions or Qualifications shall be taken to be made from or in the corresponding Forms in the Second Column.

4. Such Parties may add the Name or other Designation of any Person or Persons, or Class or Classes of Persons, or any other Words, at the End of Form 2. of the First Column, so as thereby to extend the Words thereof to the Acts of any additional Person or Persons or Class or Classes of Persons, or of all Persons whomsoever; and in every such Case the Covenants 2, 3, and 4, or such of them as shall be employed in such Deed, shall be taken to extend to the Acts of the Person or Persons, Class or Classes of Persons, so named.

COLUMN I.	COLUMN II.
1. The said [*Covenantor*] covenants with the said [*Covenantee*],	1. And the said Covenantor doth hereby, for himself, his Heirs, Executors, and Administrators, covenant, promise, and agree with and to the said Covenantee, his Heirs and Assigns, in manner following; (that is to say,)

Column I.	Column II.
2. That he has the Right to convey the said Lands to the said [*Covenantee*] notwithstanding any Act of the said [*Covenantor*];	2. That for and notwithstanding any Act, Deed, Matter, or Thing by the said Covenantor done, executed, committed, or knowingly or wilfully permitted or suffered, to the contrary, he the said Covenantor now hath in himself good Right, full Power, and absolute Authority to convey the said Lands and other the Premises hereby conveyed, or intended so to be, with their and every of their Appurtenances, unto the said Covenantee, in manner aforesaid, and according to the true Intent of these Presents.
3. and that the said [*Covenantee*] shall have quiet Possession of the said Lands,	3. And that it shall be lawful for the said Covenantee, his Heirs and Assigns, from Time to Time and at all Times hereafter, peaceably and quietly to enter upon, have, hold, occupy, possess, and enjoy the said Lands and Premises hereby conveyed, or intended so to be, with their and every of their Appurtenances, and to have, receive, and take the Rents, Issues, and Profits thereof and of every Part thereof to and for his and their Use and Benefit, without any Let, Suit, Trouble, Denial, Eviction, Interruption, Claim, or Demand whatsoever of, from, or by him the said Covenantor or his Heirs, or any Person claiming or to claim by, from, under, or in trust for him, them, or any of them.
4. free from all Incumbrances.	4. And that free and clear, and freely and absolutely acquitted, exonerated, and for ever discharged, or otherwise by the said Covenantor or his Heirs well and sufficiently saved, kept harmless, and indemnified of, from, and against any and every former and other Gift, Grant, Bargain, Sale, Jointure, Dower, Use, Trust, Entail, Will, Statute, Recognizance, Judgment, Execution, Extent, Rent, Annuity, Forfeiture, Re-entry, and any and every other Estate, Title, Charge, Trouble, and Incumbrance whatsoever, made, executed, occasioned, or suffered by the said Covenantor or his Heirs, or by any Person claiming or to claim by, from, under, or in trust for him, them, or any of them.
5. And the said [*Covenantor*] covenants with the said [*Covenantee*] that he will execute such further Assurances of the said Lands as may be requisite.	5. And the said Covenantor doth hereby, for himself, his Heirs, Executors, and Administrators, covenant, promise, and agree with and to the said Covenantee, his Heirs and Assigns, that he the said Covenantor, his Heirs, Executors, or Administrators, and all and every other Person whosoever having or claiming, or who shall or may hereafter have or claim, any Estate, Right, Title, or Interest whatsoever, either at Law or in Equity, in, to, or out of the said Lands and Premises hereby conveyed or intended so to be, or any of them, or any Part thereof, by, from, under, or in trust for him, them, or any of them, shall and will from Time to Time and at all Times hereafter, upon every reasonable Request, and at the Costs and Charges of the said Covenantee, his Heirs or Assigns, make, do, execute, or cause to be made, done, or executed, all such further and other lawful Acts, Deeds, Things, Devices, Conveyances, and Assurances in the Law whatsoever, for the better, more perfectly, and absolutely conveying and assuring the said Lands and Premises hereby conveyed or intended so to be, and every Part thereof,

COLUMN I.

COLUMN II.

thereof, with their Appurtenances, unto the said Covenantee, his Heirs and Assigns, in manner aforesaid, as by the said Covenantee, his Heirs and Assigns, his or their Counsel in the Law, shall be reasonably devised, advised, or required, so as no such further Assurances contain or imply any further or other Covenant or Warranty than against the Acts and Deeds of the Person who shall be required to make or execute the same, and his Heirs, Executors, or Administrators, only, and so as no Person who shall be required to make or execute such Assurances shall be compellable for the making or executing thereof to go or travel from his usual Place of Abode.

6. And the said [*Covenantor*] covenants with the said [*Covenantee*] that he will produce the Title Deeds enumerated hereunder, and allow Copies to be made of them, at the Expence of the said [*Covenantee*].

6. And the said Covenantor doth hereby, for himself, his Heirs, Executors, and Administrators, covenant, promise, and agree with and to the said Covenantee, his Heirs and Assigns, that the said Covenantor and his Heirs shall and will, unless prevented by Fire or other inevitable Accident, from Time to Time and at all Times hereafter, at the Request, Costs, and Charges of the said Covenantee, his Heirs or Assigns, or his or their Attorney, Solicitor, Agent, or Counsel, at any Trial or Hearing in any Action or Suit at Law or in Equity or other Judicature, or otherwise, as Occasion shall require, produce all and every or any Deed, Instrument, or Writing hereunder written, for the Manifestation, Defence, and Support of the Estate, Title, and Possession of the said Covenantee, his Heirs or Assigns, in or to the said Lands and Premises hereby conveyed, or intended so to be, and, at the like Request, Costs, and Charges, shall and will make and deliver, or cause to be made and delivered, true and attested or other Copies or Abstracts of the same Deeds, Instruments, and Writings respectively, or any of them, and shall and will permit and suffer such Copies and Abstracts to be examined and compared with the said original Deeds by the said Covenantee, his Heirs and Assigns, or such Person as he or they shall for that Purpose direct and appoint.

7. And the said [*Covenantor*] covenants with the said [*Covenantee*] that he has done no Act to incumber the said Lands.

7. And the said Covenantor, for himself, his Heirs, Executors, and Administrators, doth hereby covenant, promise, and agree with and to the said Covenantee, his Heirs and Assigns, that he hath not at any Time heretofore made, done, committed, executed, or wilfully or knowingly suffered, any Act, Deed, Matter, or Thing whatsoever whereby or by means whereof the said Lands and Premises hereby conveyed, or intended so to be, or any Part or Parcel thereof, are, is, or shall or may be in anywise impeached, charged, affected, or incumbered in Title, Estate, or otherwise howsoever.

8. And the said [*Releasor*] releases to the said [*Releasee*] all his Claims upon the said Lands.

8. And the said Releasor hath remised, released, and for ever quitted claim, and by these Presents doth remise, release, and for ever quit claim, unto the said Releasee, his Heirs and Assigns, all and all manner of Right, Title, Interest, Claim, and Demand whatsoever, both at Law and in Equity, into and out of the said Lands and Premises

COLUMN I.

COLUMN II.

mises hereby granted, or intended so to be, and every Part and Parcel thereof, so as that neither he, nor his Heirs, Executors, Administrators, or Assigns, shall, nor may at any Time hereafter, have, claim, pretend to, challenge, or demand the said Lands and Premises, or any Part thereof, in any manner howsoever; but the said Releasee, his Heirs and Assigns, and the same Lands and Premises, shall from henceforth for ever hereafter be exonerated and discharged of and from all Claims and Demands whatsoever which the said Releasor might or could have upon him in respect of the said Lands or upon the said Lands.

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Printers to the Queen's most Excellent Majesty. 1845.

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have been signified that a Requisition has been made to deliver up any Person pursuant to the said Convention or Treaty, may issue his Warrant for the Apprehension of such Person in any Part of England.

pursuant to the said Convention or Treaty respectively, to deliver up to Justice, in Terms of the said Convention or Treaty, as the Case may be, any Person accused of any Crime rendering him liable to be so delivered up under either of the recited Acts, shall; upon such Evidence as according to the Laws of *England* would justify the Apprehension of the Person so accused if the Crime of which he is accused had been committed in *England* within the Jurisdiction of such Magistrate, issue his Warrant for the Apprehension of such Person, in the Form annexed to this Act, or to the like Effect; and such Warrant may be executed in any Part of *England*, and shall have the same Force and Effect throughout *England* as if the same had been originally issued or subsequently endorsed by a Justice of the Peace or Magistrate having Jurisdiction in the Place where the same shall be executed, and may be lawfully executed anywhere within *England* by the Constable or Constables to whom the same shall be directed, or who shall be appointed to execute the same, who shall severally have all the Powers and Privileges for the Execution of such Warrant as any Constable duly appointed hath or may have within his Constablewick.

Such Person when apprehended to be brought before a Police Magistrate, who may order his Committal.

II. And be it enacted, That every Person who shall be apprehended under any such Warrant shall be brought with all convenient Speed before the Magistrate by whom such Warrant shall have been issued, or some other Magistrate of the same Police Court, and that such Magistrate may cause the Warrant of Committal of such Person to be drawn up according to the Form given in the Schedule annexed to this Act, or to the like Effect, which shall be good and sufficient in Law to warrant the Persons to whom the same shall be directed to detain such Person in Custody, as directed in the said Warrant, until delivered pursuant to the Act under which he shall have been apprehended.

Act to be construed with recited Acts.

III. And be it enacted, That this Act shall be construed with each of the said Acts separately, and as if this Act had been enacted in each of the said Acts.

Alteration of Act.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULE to which this Act refers.

Warrant of Apprehension.

Metropolitan Police District, to wit. } To all and each of the Constables of the Metropolitan Police Force.

WHEREAS the Right Honourable One of Her Majesty's Principal Secretaries of State, by Warrant under his Hand and Seal, hath signified to me, that pursuant to the [Convention made between Her Majesty and the King of the French in the Year One thousand eight hundred and forty-three, *or* the Treaty made between Her Majesty and the United States of America in the Year One thousand eight hundred and forty-two, *as the Case may be*], for the Apprehension of certain Offenders, Requisition hath been duly made to him for delivering up to Justice *A.B.*, late of who is charged with having committed the Crime of [*here specify the Offence*], within the Jurisdiction of [His Majesty the King of the French, *or* the United States of America, *as the Case may be*]:

This is therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, pursuant to an Act passed in the Ninth Year of the Reign of Her Majesty, intituled [*here insert the Title of this Act*], wherever he may be found in England, and bring him before me, or some other Magistrate sitting in this Court, to answer unto the said Charge, for which this shall be your Warrant.

Given under my Hand and Seal at One of the Police Courts of the Metropolis, this Day of in the Year of our Lord .

J.P. (L.S.)

Warrant of Committal.

Metropolitan Police District, to wit. } To A.B., One of the Constables of the Metropolitan Police Force, and to the Keeper of the at .

BE it remembered, That on the Day of in the Year of our Lord *A.B.*, late of is brought before me, *J.P.*, One of the Police Magistrates of the Metropolis, sitting at the Police Court in within the

the Metropolitan Police District, and is charged before me, for that he the said *A.B.*, on the Day of at within the Jurisdiction of [His Majesty the King of the French, *or* the United States of America, *as the Case may be*], did [*here state the Offence*]: And forasmuch as it hath been shown to me, upon such Evidence as by Law is sufficient to justify the Committal to Gaol of the said *A. B.*, pursuant to an Act passed in the Seventh Year of the Reign of Queen Victoria, intituled [*here insert the Title of* the Sixth and Seventh *Victoria*, Chapter Seventy-five, or Sixth and Seventh *Victoria*, Chapter Seventy-six, *as the Case may require*], that the said *A. B.* is guilty of the said Offence:

This is therefore to command you the said Constable in Her Majesty's Name forthwith to convey and deliver the Body of the said *A.B.* into the Custody of the said Keeper of the at ; and you the said Keeper to receive the said *A.B.* into your Custody in the same and him there safely to keep until he shall be thence delivered pursuant to the Provisions of the said Act; for which this shall be your Warrant.

Given under my Hand and Seal at One of the Police Courts of the Metropolis, this Day of in the Year of our Lord .

J. P. (L.S.)

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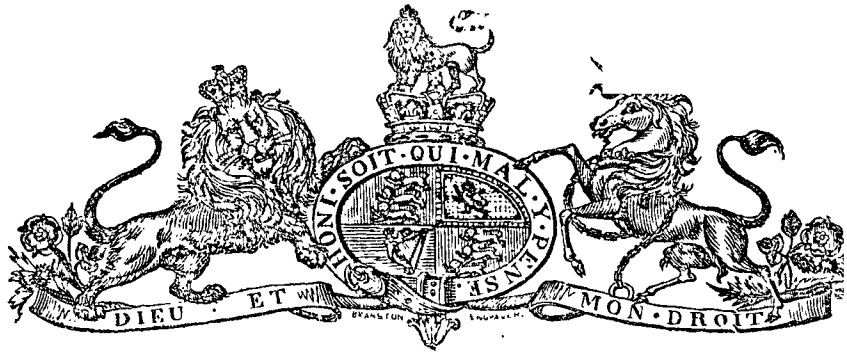

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CXXI.

An Act to amend and explain certain Provisions of an Act of the Third and Fourth Years of Her present Majesty, for annexing certain Parts of certain Counties of Cities to adjoining Counties, for making further Provision for Compensation of Officers in Boroughs, for limiting the Borough Rate, and for continuing an Act to restrain the Alienation of Corporate Property in *Ireland*.

[8th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland; and another Act was passed in the same Session of Parliament, intituled *An Act to annex certain Parts of certain Counties of Cities to adjoining Counties, to make further Provision for Compensation of Officers in Boroughs, to limit the Borough Rate, and to continue for a limited Time an Act to restrain the Alienation of Corporate Property in* Ireland: And whereas under the Provisions of the said recited Acts certain Parts or Portions of the old County of the Town of

3 & 4 Vict. c. 108.

3 & 4 Vict. c. 109.

Drogheda and of the ancient Liberties thereof, and certain Parts of Parishes or other Demoninations, are not included within the Boundaries of the County of the Town of *Drogheda* as defined under the said recited Acts, and have, for the Purpose of Grand Jury Presentments, and of Criminal Jurisdiction, and also of Civil Jurisdiction of the Superior Courts of Common Law in *Dublin*, become severally Part of the County of *Louth:* And whereas of the said Portion of the old County of the Town of *Drogheda* not included in the Boundaries of the present County of the Town of *Drogheda* as defined under the said recited Acts a certain Part or District is situate on the South Side of the River *Boyne*, and has under the said recited Acts become Part of the County of *Louth*, but lies wholly detached from the rest of the said County of *Louth* from which it is separated by the River *Boyne* and by the present County of the Town of *Drogheda*, and such Part or District is immediately adjacent to the County of *Meath;* and it is therefore expedient that the said Part or District should be disannexed from the County of *Louth*, and should be annexed to the County of *Meath;* be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all such Part or District of the old County of the Town of *Drogheda* not included within the Boundaries of the Borough and the County of the Town of *Drogheda* as defined under the said recited Acts as is situate on the South Side of the River *Boyne* shall for all Purposes of Grand Jury Presentments, and of Criminal Jurisdiction, and also of Civil Jurisdiction of the Superior Courts of Common Law in *Dublin*, and to all Intents and Purposes, be Part of the County of *Meath*, and shall be and be deemed and taken to be Part of and annexed to the Barony of *Lower Duleek* in the said County of *Meath:* Provided always, that nothing in this Act contained shall alter or affect the said County of the Town or Borough of *Drogheda*, or the Boundaries thereof, for any Purposes of Parliamentary Representation, or for any Purpose relating thereto; and where it is or shall be necessary for any Purpose of such Representation to describe any Residence or Premises or Place, in any Oath, Affidavit, or Document, or otherwise, as within the County of the Town of *Drogheda*, such Residence, Premises, or Place (if situate within such District hereby annexed to the County of *Meath*) may be described as within the Parliamentary Boundaries of the said County of the Town of *Drogheda*.

All that Part of the old County of the Town of Drogheda situate on the South Side of the River Boyne, and not included within the Boundaries of the present Borough of Drogheda, shall be annexed to the County of Meath.

II. Provided always, and be it enacted, That nothing herein contained shall extend to alter or affect, save as herein-after mentioned, the Liability, if any, of such Place or District hereby annexed to the said County of *Meath*, to contribute to the Payment of any Debt or Debts due by the County of the Town of *Drogheda* to Her Majesty's Exchequer, or any Instalments or Annuity in respect of the same, or any Instalments or Sums under any Presentment heretofore made by the Grand Jury of the County of the Town of *Drogheda* to which respectively, or to a Proportion of which, such Place or District may have been liable to contribute before the passing of this

Such District to continue liable to its Proportion of the Debt due by the old County of the Town of Drogheda.

Act, or to alter or affect any Liability of such Place or District under any Award of any Barrister acting under the Provisions of an Act made in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws in force relating to Grand Jury Presentments in Counties of Cities and Counties of Towns in* Ireland, or under a certain other Act of the same Session of Parliament, intituled *An Act to make further Provision in respect of Grand Jury Presentments in Counties of Cities and Counties of Towns in* Ireland, but that the Liability of such Place or District to contribute in respect of any of the foregoing Matters shall remain in all respects the same as before the passing of this Act, save as herein-after mentioned.

6 & 7 Vict. c. 32.

6 & 7 Vict. c. 71.

III. And whereas the Portion or Precinct of the old County of the Town of *Drogheda* not included in the Boundaries of the present County of the said Town is now liable, under the Provisions of the said Two last-recited Acts, to pay a Contribution to certain Debts of the old County of the said Town, as in the said Acts mentioned, and the same consists of Two Parts or Districts, one whereof is and will continue to be situated in the County of *Louth*, and the other Part or District is by virtue of this Act annexed to the County of *Meath*, and it will be necessary to ascertain the Proportions in which the said Two Districts shall be liable to their joint Contribution to the Payment of any such Debt or Debts as aforesaid due by the old County of the Town of *Drogheda;* be it therefore enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to direct and order the Commissioner of Valuation appointed under the Acts for the uniform Valuation of Lands and Tenements in *Ireland* to ascertain and report, and such Commissioner of Valuation shall thereupon ascertain and report, the respective Proportion in which the said Two Districts so severed from the old County of the Town of *Drogheda* shall pay their respective Share of the Contribution to be made by such Two Districts to the Payments of such Debts as aforesaid due by the old County of the Town of *Drogheda*, and of such Instalments, Annuity, or Sums payable in respect of the same by such Two Districts before the passing of this Act, and the said Commissioner shall transmit such his Report to the respective Treasurers of the Counties of *Louth* and *Meath*, specifying such Proportions, which thenceforth shall be deemed and taken to be the Proportions in which the said District situate in the County of *Louth* and the said District hereby annexed to the County of *Meath* shall pay their respective Shares of such Contribution to such Sums and Payments as aforesaid; and such respective Proportion of such Contribution, and of such Debts, Instalments, Annuity, Sums, or Interest as aforesaid, shall be presented from Time to Time by the respective Grand Jury of the County of *Louth* or *Meath*, as the Case may be, to which such District shall be annexed, or, as the Case may be, shall be applotted, raised, and levied on and off such respective District as if the same had been duly presented by Warrant of the respective Treasurer of the County whereunto each such District is or shall be annexed, and paid over and disposed of in such and the like Manner respectively, and subject to the like Provisions, as in the said Two last-recited Acts respectively

The Contribution payable by the whole Precinct severed from Drogheda towards the old Debts of Drogheda to be apportioned on the Two Districts of which the said Precinct consists in the Counties of Louth and Meath.

The Proportions to be levied and paid over, &c. in like Manner as the whole Contribution was levied and paid.

tively contained and provided in relation to any such Payments or Contribution as aforesaid, as far as the same are applicable, and not inconsistent with this Enactment.

The Treasurer of the County of Louth shall furnish to the Treasurer of the County of Meath a Statement of certain Arrears and Credits.

IV. And whereas certain Arrears may be due and unpaid by some Persons in the said District hereby annexed to the County of *Meath* in respect to such Sums heretofore respectively payable under the Provisions of the said Two last-recited Acts or other Acts relating to Grand Jury Rates or Cesses: And whereas also certain Persons in the said District are entitled, under the Provisions of the last-recited Act, to certain Credits in respect to Sums heretofore paid by them; be it enacted, That the Treasurer of the County of *Louth* shall furnish to the Treasurer of the County of *Meath* a written Statement under his Hand of all such Arrears due as aforesaid by or Credits as aforesaid which may be justly claimed by any Person or Persons, in respect of any Lands or Tenements situate in such District hereby annexed to the County of *Meath;* and it shall be lawful for the Treasurer of the County of *Meath* from Time to Time to allow such Credits to the Parties entitled thereto, and also by his Warrant to collect such Arrears as aforesaid, and to pay over and dispose of the same in like Manner as the same, if duly levied when due, should have been paid over and disposed of.

Such District not to be liable for preceding Debts or Instalments due by the County of Meath.

V. Provided always, and be it enacted, That the said Place or District hereby annexed to the said Barony of *Lower Duleek* shall not be liable to or bound to contribute to the Payment of any Debt due or Instalment payable by the County of *Meath* or said Barony of *Lower Duleek* under any Presentment of the Grand Jury of the County of *Meath* made before the passing of this Act, or made for the Repayment of any Advances of Public Money made to such County or Barony before the passing of this Act, but any such Presentments heretofore made shall be levied as if this Act had not been passed.

Provision for fixing the Proportion in which the Barony to which such Addition shall be made is to be assessed to Grand Jury Cess.

VI. And be it enacted, That it shall be lawful for the Grand Jury of the County of *Meath*, or for Twenty or more Cess-payers of such Place or District hereby annexed to the said County of *Meath*, to apply by Memorial to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Council, that Proceedings may be taken to ascertain in what Proportion and according to what Valuation the Barony to which such Addition shall be so made shall be assessed and applotted to Grand Jury Cess; and thereupon the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Council shall from Time to Time make such Order or Orders as to them shall appear just touching the Subject Matter of such Petition, and in so doing shall settle and define the Boundaries of the Barony to which such Addition shall be made; and the Grand Jury of such County of *Meath*, and also the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Council, are thereby empowered, if they shall respectively deem fit, to employ a Surveyor or Surveyors to examine and report upon the Circumstances and Value of such Barony or Baronies, and such Part or District as aforesaid, and to order the Expences of such Examination and Report

to

to be paid; and the Grand Jury of such County which shall assemble next after such Order shall and they are hereby required to present the Amount of such Expences to be raised off such County, and paid out of the Grand Jury Cess thereof, and the Grand Jury of such County are hereby empowered to present to be so raised and paid all such further Expences as shall be incurred by them, or by any former Grand Jury, or their Officers, in and about the procuring of such Annexation as aforesaid.

Grand Jury, with the Approval of Judge, to adjust the Proportions of Grand Jury Cess.

VII. And be it enacted, That it shall be lawful for the Grand Juries of the Counties of *Meath* and *Louth* respectively, for their respective Counties, from Time to Time, with the Approbation of the Judge or Judges of Assize for the Time being, to adjust or alter the Proportions in which and the Valuations according to which the Place or District so added to such County of *Meath*, and every Townland or other Denomination or Sub-denomination thereof, shall contribute to the Grand Jury Cess of such County of *Meath*, and the Proportions in which the Barony or Half Barony or other District from which such Place or District shall be so taken away shall so contribute to the Grand Jury Cess of the County of *Louth*, or in which any Barony, Half Barony, or District which shall not sustain any Increase or Diminution by such Change ought to contribute by reason of such Change: Provided always, that it shall be lawful for the Grand Juries of such Counties respectively, for their respective Counties, to direct that such Proportions and Valuations as aforesaid shall be entered in the County Books of such Counties respectively, and thereupon the same shall be so entered accordingly, and shall, until further altered or adjusted by Law, be the Proportions and Valuations according to which the Warrant of the Treasurers of such Counties respectively shall be made with respect to those Places to which such Valuations or Proportions shall relate: Provided always, that in every Case in which any Valuation made or to be made by virtue of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in* Ireland, *and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin, or wherein the same are locally situate*, or by virtue of any other Act or Acts, shall, under the Provisions of such Act or Acts, be or have been in force and applicable to any such Barony, Place, or District, or, if this Act had not been passed, would be so in force and applicable, regard shall be had to such Act or Acts, and to any Valuation made or to be made in pursuance thereof, in the Warrant of the Treasurers of such Counties respectively, and in the Levy of Grand Jury Cess of such Counties respectively, or such Barony and Place or District as aforesaid.

Proportions and Valuations to be entered in County Books.

Provision for Valuation under the 6 & 7 W. 4. c. 84.

A District taken from the County of Louth, and annexed to Drogheda, under the Corporation

VIII. And whereas under the Provisions of the said recited Acts of the Session held in the Third and Fourth Years of the Reign of Her present Majesty a certain Place or District, being before the passing of the said Act Part of the County of *Louth*, is locally situate and included within the Boundaries of the Borough of *Drogheda* as defined under the said recited Acts, and by reason thereof the said

Acts, shall be exempted and exonerated from the former Debts due by Drogheda.

Place or District became and is deemed and taken to be Part of the County of the Town of *Drogheda*, and of no other County, and by reason thereof became and is liable to contribute to the Payment of a Proportion of Debts due and Instalments or Annuity payable by the said County of the Town of *Drogheda* to Her Majesty's Exchequer, for Advances of Money theretofore made to the said County of the Town of *Drogheda*, and to the Payment of a Proportion of Sums to be assessed by the Award of a Barrister on the said County of the Town of *Drogheda*, and on the Precincts of the same, under the Provisions of the said recited Acts of the Sixth and Seventh Years of the Reign of Her present Majesty: And whereas it is just that the said Place or District so taken from the County of *Louth*, and annexed to the Borough of *Drogheda*, should be exonerated from the Payment of such Debts and Instalments, Annuity, or Sums of Money so due and payable for Sums advanced before such Annexation as aforesaid; be it therefore enacted, That the said Place or District so taken from the County of *Louth*, and annexed to the said Borough of *Drogheda*, shall be exempt and exonerated from the Payment of any Proportion of such last-mentioned Debts, Instalments, Annuity, or Sums of Money, and that the Amount of the Assessments for the same from Time to Time to be made, from which the said Place or District is hereby exempted and exonerated, shall be from Time to Time assessed upon and levied from the remaining Portion of the Borough of *Drogheda*.

Court of Conscience, Drogheda, to have Jurisdiction to Extent of Forty Shillings.

IX. And whereas the Court of Conscience held before the Mayor of the Town and County of the Town of *Drogheda*, for determining Causes in all Small Debts between Party and Party under the Value of Ten Shillings, has been of great Use, and will be of still greater Advantage to the Inhabitants if the Jurisdiction of said Court be extended to the Determination of Causes in all Small Debts between Party and Party under the Value of Forty Shillings; be it therefore enacted, That the Mayor of the said Town and County of the Town of *Drogheda* for the Time being shall have full Power and Authority to hear and finally determine Causes in all Small Debts between Party and Party under the Value of Forty Shillings, and shall have and exercise in relation thereto all the Powers, Authorities, and Jurisdictions which the Mayor of said Town and County of the Town hath heretofore had and exercised in the said Court of Conscience.

The Acts of the Justices of the Peace for the County of Kilkenny heretofore done relating to the District herein mentioned shall be as valid as if the same had been Part of the County of Kilkenny.

X. And whereas under the Provisions of the said recited Acts certain Parts or Portions of the old County of the City of *Waterford* and of the ancient Liberties thereof, and certain Parts of Parishes or other Denominations, are not included within the Boundaries of the County of the City of *Waterford* as defined under the said recited Acts of the Third and Fourth Years of the Reign of Her present Majesty, and have for the Purpose of Grand Jury Presentments, and of Criminal Jurisdiction, and also of Civil Jurisdiction of the Superior Courts of Common Law in *Dublin*, become severally Part of the adjoining County of *Waterford*: And whereas a certain District of such old County of the City of *Waterford* not included within the Boundaries of the present County of the City of *Waterford* as defined under the said last-mentioned Acts is situate on the North

Side of the River *Suir*, and has, as aforesaid, become Part of the County of *Waterford;* but Doubts having existed as to the true Construction of the said last-mentioned Acts in respect thereto, the said last-mentioned Portion or District situate on the North Side of the said River has been, since the passing of the said recited Acts of the Third and Fourth Years of Her Majesty's Reign, erroneously deemed to be treated as Part of the County of *Kilkenny*, and the Justices of the Peace of the County of *Kilkenny* have under such erroneous Impression exercised Jurisdiction therein as if the same were Part of the said County: And whereas it is just and expedient that the Acts of such Justices done under such erroneous Impression should be validated, and such Justices, and those acting under their Authority in that Behalf, should be indemnified; be it therefore enacted, That all and every Act or Acts of any Justice or Justices of the Peace or of the Assistant Barrister of the County of *Kilkenny*, heretofore done in any Matter or Thing concerning or in anywise relating to or within the said District, from the Time when the same was by Law severed from the County of the City of *Waterford*, and the Act or Acts of any Constable or other Officer in obedience thereto, shall be and shall be deemed to have been as valid, good, and effectual in the Law, to all Intents and Purposes whatsoever, as if said Place or District had been at the Time of such Act or Acts lawfully a Part of the County of *Kilkenny*.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Alteration of Act.

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and final Abolition of the Slave Trade: And whereas on the Twelfth Day of *March* One thousand eight hundred and forty-five it was notified by the Imperial Government of *Brazil* to Her Majesty's Government, that the *British* and *Brazilian* Mixed Commissions established at *Rio de Janeiro* and *Sierra Leone* would cease on the Thirteenth Day of the said Month of *March;* but that the Imperial Government would agree that the said Mixed Commissions should continue for Six Months longer, for the sole Purpose of adjudicating the Cases pending, and those which might have occurred before the said Thirteenth Day of *March:* And whereas it has become necessary to provide for the Adjudication of the Cases of such Vessels detained under the Provisions of the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six as were pending before the said Commissions or either of them and remained undecided on the said Thirteenth Day of *March*, and of the Cases of such other Vessels as may have been detained under the said Convention previously to the said Thirteenth Day of *March*, but had not then been brought in for Adjudication: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Mixed Commissions established at *Rio de Janeiro* and *Sierra Leone* to proceed up to the Thirteenth Day of *September* in the current Year in the Adjudication of the Cases of such Vessels detained under the Provisions of the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six as were pending before them or either of them and remained undecided on the said Thirteenth Day of *March*, and of the Cases of such other Vessels as may have been detained under the said Convention previously to the said Thirteenth Day of *March*, but had not then been brought in for Adjudication, in the same Manner and with the like Powers and Authorities in all respects as they possessed and exercised under the said Convention and under the said Act of Parliament.

Mixed Commissions to proceed up to the 13th Sept. 1845 in Adjudication of Vessels taken before the 13th of March 1845.

II. And be it declared and enacted, That any Decree or Sentence which may have been or shall be made or passed by either of the said Mixed *British* and *Brazilian* Commissions established at *Rio de Janeiro* and *Sierra Leone*, on any Vessel or Vessels captured and brought in before either of the said Commissions from the said Thirteenth Day of *March* last to the said Thirteenth Day of *September* ensuing inclusive by any Person or Persons in Her Majesty's Service acting under any such Order or Authority as aforesaid, is and shall be good and valid to all Intents and Purposes.

Certain Decrees and Sentences of Mixed Commissions to be valid.

III. And whereas by the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six it was agreed and concluded by and between the High Contracting Parties, that at the Expiration of Three Years, to be reckoned from the Exchange of the Ratifications of the said Convention, it should not be lawful for the Subjects of the Emperor of *Brazil* to be concerned in the carrying on of the *African* Slave Trade under any Pretext or in any Manner whatever, and that the carrying on such Trade after that Period by any Person, Subject of His Imperial Majesty, should be deemed and treated as Piracy: And whereas it has become necessary,

Part of 7 & 8 G. 4. c. 74. repealed.

sary, for the Purpose of carrying into effect the said Convention, that so much of the said Act of the Eighth Year of the Reign of His late Majesty King *George* the Fourth as prohibits the High Court of Admiralty and the Courts of Vice Admiralty from exercising Jurisdiction over Vessels captured in virtue of the said Convention shall be repealed, and that further Provisions be made for the due Execution of the same; be it enacted, That so much of the said Act as prohibits the High Court of Admiralty or any Court of Vice Admiralty in any Part of Her Majesty's Dominions from adjudicating on any Claim, Action, or Suit arising out of the said Convention, or as makes any Provision for barring any such Claim, Action, Suit, or Proceeding in the High Court of Admiralty or any of the said Courts of Vice Admiralty, shall be repealed.

Vessels engaged in the Slave Trade contrary to the said Convention to be tried by Courts of Admiralty.

IV. And be it enacted, That it shall be lawful for Her Majesty's High Court of Admiralty and any Court of Vice Admiralty within Her Majesty's Dominions to take cognizance of and adjudicate any Vessel carrying on the *African* Slave Trade in contravention of the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six, and detained and seized on that Account subsequently to the said Thirteenth Day of *March*, by any Person or Persons in the Service of Her Majesty, under any Order or Authority of the Lord High Admiral or of the Commissioners for executing the Office of Lord High Admiral, or of One of Her Majesty's Secretaries of State, and the Slaves and Cargo found therein, in like Manner and under the like Rules and Regulations as are contained in any Act of Parliament now in force in relation to the Suppression of the Slave Trade by *British*-owned Ships, as fully to all Intents and Purposes as if such Acts were re-enacted in this Act as to such Vessels and to such High Court of Admiralty or Courts of Vice Admiralty.

Indemnity to Persons acting in execution of this Act.

V. And be it enacted, That all Persons acting under any such Order or Authority of the Lord High Admiral or of the Commissioners for executing the Office of Lord High Admiral, or of One of Her Majesty's Secretaries of State, shall be freed and indemnified from and against all Writs, Actions, Suits, and Proceedings whatever, and all Prosecutions and Penalties, for being concerned in any Search, Detention, Capture, or Condemnation of any Vessel which shall have been found carrying on the *African* Slave Trade in contravention of the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six, or in the Arrest or Detention of any Person found on board such Vessel, or on account of the Cargo thereof, or any thing done in relation thereto, and that no Action, Suit, Writ, or Proceeding whatever shall be maintained or maintainable in any Court in any Part of Her Majesty's Dominions against any Person for any Act done under any such Order or Authority as aforesaid.

Vessels condemned to be sold for Her Majesty's Service, or broken up.

VI. And be it enacted, That any Ship or Vessel which shall be detained under any such Order or Authority as aforesaid, and shall have been condemned by Her Majesty's High Court of Admiralty or by any Court of Vice Admiralty, may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall deem a proper Price for the same, or, if not so taken, shall be broken

broken up and entirely demolished, and the Materials thereof shall be publicly sold in separate Parts.

Reports of Vessels condemned to be laid before Parliament.

VII. And be it enacted, That every Court of Vice Admiralty shall from Time to Time as shall be required by the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, certify to the said Lord High Admiral or Commissioners the Name of every Ship or Vessel condemned in such Court of Vice Admiralty under this Act, and the Date of the Condemnation thereof; and the said Lord High Admiral or Commissioners shall once in every Year report to Her Majesty which of the Ships or Vessels condemned in the said High Court of Admiralty or in any Court of Vice Admiralty under this Act have been taken into Her Majesty's Service, and which have been broken up, and in each Case the Amount of the Price paid for the same or Sum for which the Materials were sold; and a Copy of every such Report shall be laid before both Houses of Parliament within Six Weeks after the same shall be received, if Parliament be then sitting, or if not then within Six Weeks next after the next Meeting of Parliament.

Extending Provisions of 5 G. 4. c. 113., 11 G. 4. & 1 W. 4. c. 55., 1 & 2 Vict. c. 47., and 5 & 6 Vict. c. 91. to Vessels seized under this Act.

VIII. And be it enacted, That so much of the several Enactments set forth in an Act passed in the Fifth Year of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, and in an Act passed in the First Year of the Reign of His late Majesty, intituled *An Act to reduce the Rate of Bounties payable upon the Seizure of Slaves*, and in an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for the better and more effectually carrying into effect the Treaties and Conventions made with Foreign Powers for suppressing the Slave Trade*, as relates to Persons giving false Evidence being guilty of Perjury; to maintaining and providing for captured Slaves pending Adjudication; to condemning Slaves as Forfeitures to the Crown; to rewarding the Captors with a Bounty on the Vessel as well as on the Slaves; to authorizing the Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to order Payment of One Moiety of the Bounty where Slaves may not have been condemned or delivered over in consequence of Death, Sickness, or other inevitable Circumstance; to the Mode of obtaining such Bounties; to authorizing the High Court of Admiralty to determine as to doubtful Claims of Bounty, and also on any Question of joint Capture; and to enforcing any Decree or Sentence of any Vice Admiralty Court; and also the whole of an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to amend an Act of the Second and Third Years of Her Majesty, for the Suppression of the Slave Trade*, shall be applied, *mutatis mutandis*, to all Cases of Vessels detained and seized for carrying on the *African* Slave Trade in contravention of the said Convention.

Alteration of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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the Society to Widows or other Claimants may be varied.

the Lord High Admiral or the First Lord Commissioner of the Admiralty Board for the Time being, as Patron of the said Society, and for the Secretary of the Admiralty for the Time being as President of the said Society, to vary and reduce at any Time, and from Time to Time, by Writing under their respective Hands, as the Exigencies of the Case may seem to them requisite, the Amount of the Annuity now or hereafter payable by the said Society to Widows or other Claimants, provided that the Amount of the Annuities be not thereby rendered less than Two Thirds of the Amount which is now paid, and also to vary and increase the Rate of Premium which now is or shall be paid to the said Society for or in respect of any Annuity, so that the Amount of the Premium shall not exceed the Rate established by the said Order in Council: Provided always, that nothing in this Act contained shall render it obligatory on any Person to commence or continue the Payment of the full or reduced Amount of any such Premiums of Insurance as aforesaid.

Duration of Act.

II. And be it enacted, That this Act shall commence and take effect from the passing thereof, and shall continue in force to the End of the next Session of Parliament.

Act to be deemed a Public Act.

III. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Alteration of Act.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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CAP. CXXIV.

An Act to facilitate the granting of certain Leases.

[8th *August* 1845.]

WHEREAS it is expedient to facilitate the leasing of Lands and Tenements: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any Party to any Deed made according to the Forms set forth in the First Schedule to this Act or to any other Deed which shall be expressed to be made in pursuance of this Act, shall employ in such Deed respectively any of the Forms of Words contained in Column I. of the Second Schedule hereto annexed, and distinguished by any Number therein, such Deed shall be taken to have the same Effect and be construed as if such Party had inserted in such Deed the Form of Words contained in Column II. of the same Schedule, and distinguished by the same Number as is annexed to the Form of Words employed by such Party; but it shall not be necessary in any such Deed to insert any such Number.

Where the Words of Column I. of the Second Schedule employed, the Deed to have the same Effect as if Words of Column II. were inserted.

II. That every such Deed, unless any Exception be specially made therein, shall be held and construed to include all Outhouses, Buildings,

Deed to include all Houses, &c.

Buildings, Barns, Stables, Yards, Gardens, Cellars, ancient and other Lights, Paths, Passages, Ways, Waters, Watercourses, Liberties, Privileges, Easements, Profits, Commodities, Emoluments, Hereditaments, and Appurtenances whatsoever, to the Lands and Tenements therein comprised belonging or in anywise appertaining.

Remuneration for Deed under the Act not to be by Length only.

III. That in taxing any Bill for preparing and executing any Deed under this Act it shall be lawful for the Taxing Officer and he is hereby required, in estimating the proper Sum to be charged for such Transaction, to consider, not the Length of such Deed, but only the Skill and Labour employed, and Responsibility incurred, in the Preparation thereof.

Deed failing to take effect by this Act to be as valid as if Act not made.

IV. That any Deed or Part of a Deed which shall fail to take effect by virtue of this Act shall nevertheless be as valid and effectual, and shall bind the Parties thereto, so far as the Rules of Law and Equity will permit, as if this Act had not been made.

Construction Clause.

V. That in the Construction and for the Purposes of this Act, and the Schedules hereto annexed, unless there be something in the Subject or Context repugnant to such Construction, the Word "Lands" shall extend to all Tenements and Hereditaments of Freehold Tenure, and to such Customary Lands as will pass by Deed, or Deed and Surrender, and not by Surrender alone, or any undivided Part or Share therein respectively; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and the converse; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Party" shall mean and include any Body Politic or Corporate or Collegiate, as well as an Individual.

Schedules, &c. Part of Act.

VI. That the Schedules, and the Directions and Forms therein contained, shall be deemed and taken to be Parts of this Act.

Commencement of Act.

VII. That this Act shall commence and take effect from and after the First Day of *October*.

Act not to extend to Scotland.

VIII. That this Act shall not extend to *Scotland*.

SCHE-

SCHEDULES to which this Act refers.

The FIRST SCHEDULE.

This Indenture made the Day of One thousand eight hundred and forty- [*or other Year*], in pursuance of an Act to facilitate the granting of certain Leases, Between [*here insert the Names of the Parties, and Recitals, if any*] Witnesseth, that the said [*Lessor*] *or* [*Lessors*] doth *or* do demise unto the said [*Lessee*] *or* [*Lessees*], his [*or* their] Executors, Administrators, and Assigns, All, *&c.* [*Parcels*], from the Day of for the Term of thence ensuing, Yielding therefor during the said Term the Rent of [*state the Rent and Mode of Payment*].

In witness whereof the said Parties hereto have hereunto set their Hands and Seals.

The SECOND SCHEDULE.

DIRECTIONS AS TO THE FORMS IN THIS SCHEDULE.

1. Parties who use any of the Forms in the First Column of this Schedule may substitute for the Words "Lessee" or "Lessor" any Name or Names, and in every such Case corresponding Substitutions shall be taken to be made in the corresponding Forms in the Second Column.
2. Such Parties may substitute the Feminine Gender for the Masculine, or the Plural Number for the Singular, in the Forms in the First Column of this Schedule, and corresponding Changes shall be taken to be made in the corresponding Forms in the Second Column.
3. Such Parties may fill up the blank Spaces left in the Forms 4. and 5. in the First Column of this Schedule so employed by them, with any Words or Figures, and the Words or Figures so introduced shall be taken to be inserted in the corresponding blank Spaces left in the Forms embodied.
4. Such Parties may introduce into or annex to any of the Forms in the First Column any express Exceptions from or express Qualifications thereof respectively, and the like Exceptions or Qualifications shall be taken to be made from or in the corresponding Forms in the Second Column.
5. Where the Premises demised shall be of Freehold Tenure the Covenants 1. to 10. shall be taken to be made with and the Proviso 11. to apply to the Heirs and Assigns of the Lessor, and where the Premises demised shall be of Leasehold Tenure the Covenants and Proviso shall be taken to be made with and apply to the Lessor, his Executors, Administrators, and Assigns.

COLUMN I.	COLUMN II.
1. That the said [*Lessee*] covenants with the said [*Lessor*] to pay Rent;	1. And the said Lessee doth hereby, for himself, his Heirs, Executors, Administrators, and Assigns, covenant with the said Lessor, that he the said Lessee, his Executors, Administrators, and Assigns, will during the said

Column I.	Column II.
	Term pay unto the said Lessor the Rent hereby reserved, in manner herein-before mentioned, without any Deduction whatsoever.
2. and to pay Taxes;	2. And also will pay all Taxes, Rates, Duties, and Assessments whatsoever, whether parochial, parliamentary, or otherwise, now charged or hereafter to be charged upon the said demised Premises, or upon the said Lessor, on account thereof (excepting Land Tax, and excepting, in Ireland, Tithe Rent-charge and such Portion of the Poor Rate as the Lessor is or may be liable to pay, and excepting also all Taxes, Rates, Duties, and Assessments whatsoever, or any Portion thereof, which the Lessee is or may be by Law exempted from).
3. and to repair;	3. And also will during the said Term well and sufficiently repair, maintain, pave, empty, cleanse, amend, and keep the said demised Premises, with the Appurtenances, in good and substantial Repair, together with all Chimney Pieces, Windows, Doors, Fastenings, Water Closets, Cisterns, Partitions, fixed Presses, Shelves, Pipes, Pumps, Pales, Rails, Locks, and Keys, and all other Fixtures and Things which at any Time during the said Term shall be erected and made, when, where, and so often as Need shall be.
4. and to paint outside every Year;	4. And also that the said Lessee, his Executors, Administrators, and Assigns, will in every Year in the said Term paint all the outside Wood-work and Iron-work belonging to the said Premises, with Two Coats of proper Oil Colours, in a workmanlike Manner.
5. and to paint and paper inside every Year;	5. And also that the said [*Lessee*], his Executors, Administrators, and Assigns, will in every Year paint the inside Wood, Iron, and other Works now or usually painted with Two Coats of proper Oil Colours in a workmanlike Manner; and also re-paper with Paper of a Quality as at present, such Parts of the Premises as are now papered; and also wash, stop, whiten, or colour such Parts of the said Premises as are now plastered.
6. and to insure from Fire in the joint Names of the said [*Lessor*] and the said [*Lessee*];	6. And also that the said Lessee, his Executors, Administrators, and Assigns, will forthwith insure the said Premises hereby demised to the full Value thereof, in some respectable Insurance Office, in the joint Names of the said Lessor, his Executors, Administrators, and Assigns, and the said Lessee, his Executors, Administrators, or Assigns, and keep the same so insured during the said Term; and will, upon the Request of the said Lessor, or his Agent, show the Receipt for the last Premium paid for such Insurance for every current Year; and as often as the said Premises hereby demised shall be burnt down or damaged by Fire, all and every the Sums or Sum of Money which shall be recovered or received by the said [*Lessee*], his Executors, Administrators, or Assigns, for or in respect of such Insurance, shall be laid out and expended by him in building or repairing the said demised Premises, or such Parts thereof as shall be burnt down or damaged by Fire as aforesaid.
to show Receipts;	
and to rebuild in case of Fire.	

Column I.	Column II.
7. And that the said [*Lessor*] may enter and view State of Repair, and that the said [*Lessee*] will repair according to Notice.	7. And it is hereby agreed, that it shall be lawful for the said Lessor, and his Agents, at all seasonable Times during the said Term, to enter the said demised Premises to take a Schedule of the Fixtures and Things made and erected thereupon, and to examine the Condition of the said Premises; and further, that all Wants of Reparation which upon such Views shall be found, and for the Amendment of which Notice in Writing shall be left at the Premises, the said Lessee, his Executors, Administrators, and Assigns, will, within Three Calendar Months next after every such Notice, well and sufficiently repair and make good accordingly.
8. That the said [*Lessee*] will not use Premises as a Shop.	8. And also that the said Lessee, his Executors, Administrators, and Assigns, will not convert, use, or occupy the said Premises or any Part thereof into or as a Shop, Warehouse, or other Place for carrying on any Trade or Business whatsoever, or suffer the said Premises to be used for any such Purpose, or otherwise than as a private Dwelling House, without the Consent in Writing of the said Lessor.
9. And will not assign without Leave.	9. And also that the said [*Lessee*] shall not nor will during the said Term assign, transfer, or set over, or otherwise by any Act or Deed procure the said Premises or any of them to be assigned, transferred, or set over, unto any Person or Persons whomsoever, without the Consent in Writing of the said [*Lessor*], his Executors, Administrators, or Assigns, first had and obtained.
10. And that he will leave Premises in good Repair.	10. And further, that the said [*Lessee*] will, at the Expiration or other sooner Determination of the said Term, peaceably surrender and yield up unto the said Lessor the said Premises hereby demised, with the Appurtenances, together with all Buildings, Erections, and Fixtures now or hereafter to be built or erected thereon, in good and substantial Repair and Condition in all respects, reasonable Wear and Tear, and Damage by Fire, only excepted.
11. Proviso for Re-entry by the said Lessor on Nonpayment of Rent or Nonperformance of Covenants.	11. Provided always, and it is expressly agreed, that if the Rent hereby reserved, or any Part thereof, shall be unpaid for Fifteen Days after any of the Days on which the same ought to have been paid (although no formal Demand shall have been made thereof), or in case of the Breach or Nonperformance of any of the Covenants and Agreements herein contained on the Part of the said Lessee, his Executors, Administrators, and Assigns, then and in either of such Cases it shall be lawful for the said Lessor, at any Time thereafter, into and upon the said demised Premises, or any Part thereof in the Name of the whole, to re-enter, and the same to have again, re-possess, and enjoy as of his or their former Estate, any thing herein-after contained to the contrary notwithstanding.
12. The said [*Lessor*] covenants with the said [*Lessee*] for quiet Enjoyment.	12. And the Lessor doth hereby, for himself, his Heirs, Executors, Administrators, and Assigns, covenant with the said Lessee, his Executors, Administrators, and Assigns,

Column I.	Column II.
	that he and they, paying the Rent hereby reserved, and performing the Covenants herein-before on his and their Part contained, shall and may peaceably possess and enjoy the said demised Premises for the Term hereby granted, without any Interruption or Disturbance from the said Lessor, his Executors, Administrators, or Assigns, or any other Person or Persons lawfully claiming by, from, or under him, them, or any of them.

London: Printed by George E. Eyre and Andrew Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CXXV.

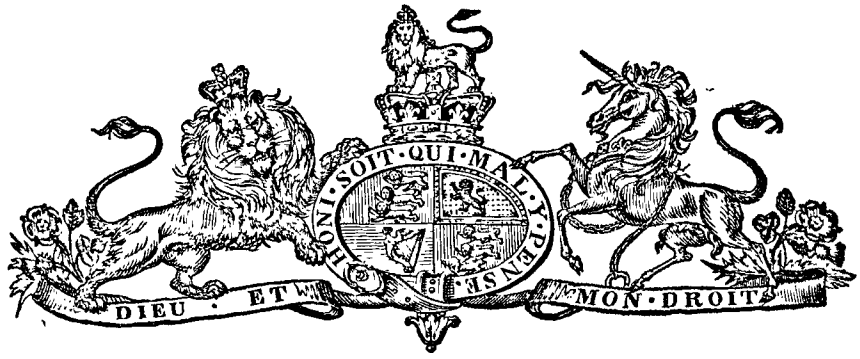
An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-six, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*. [8th *August* 1845.]

WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas, under the Provisions of Three Acts passed respectively in the Sessions of Parliament holden in the Fifth, and in the Fifth and Sixth, and in the Sixth and Seventh Years of Her Majesty's Reign, the said Acts were further continued for a Time therein limited: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, except as therein mentioned, are further continued and will remain in force until the Thirty-first Day of *July* in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in *Ireland* should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

Expiring Acts for making or repairing Turnpike Roads in Ireland further continued.

and Commons, in this present Parliament assembled, and by the Authority of the same, That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland* which will expire on the said Thirty-first Day of *July* in the present Year, or at or before the End of the present or next ensuing Session of Parliament, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and forty-six, or, if Parliament be then sitting, until the End of the then Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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repealed, shall, after the passing of this Act, be regulated under and be subject to the Provisions and Directions of this Act.

Justices of the Peace of every County and Borough not having a Lunatic Asylum to provide one.

II. And be it enacted, That the Justices of every County and Borough which has no Asylum for the Pauper Lunatics thereof shall, after the passing of this Act, either erect or provide an Asylum for the Pauper Lunatics of such County or Borough alone, or shall unite with some County or Borough (whether such last-named County or Borough shall or shall not have a Lunatic Asylum), or with the Subscribers to some Lunatic Asylum theretofore established by voluntary Subscription, in erecting or providing an Asylum for the Pauper Lunatics of such County or Borough; and that if the Justices of any County or Borough having no Asylum for the Pauper Lunatics thereof shall not, within the Period of Three Years from the passing of this Act, have erected or provided, or united in or commenced erecting or providing, an Asylum for the Pauper Lunatics thereof as aforesaid, it shall be lawful for One of Her Majesty's Principal Secretaries of State to require the Justices of such County or Borough to erect or provide, or unite in erecting or providing, such an Asylum for the Purpose aforesaid as Her Majesty's said Principal Secretary of State shall think fit, and such Justices shall thereupon erect or provide, or unite in erecting or providing, such Asylum accordingly.

The Justices of every County and the Recorder of every Borough not having a Lunatic Asylum to give Notice on or before the Sessions next after the 20th of December 1845 of their Intention to appoint a Committee to superintend the providing of an Asylum.

III. And be it enacted, That the Justices of every County and the Recorder of every Borough which has no Asylum for the Pauper Lunatics thereof shall, on or before the General or Quarter Sessions for each County or Borough next after the Twentieth Day of *December* One thousand eight hundred and forty-five, direct public Notice to be given by the Clerk of the Peace of such County or Borough, and such Clerk of the Peace of the County shall, within Ten Days thereafter, give Notice in some Newspaper or Newspapers commonly circulated in such County, of the Intention of the Justices of the County to appoint at the then next succeeding General or Quarter Sessions, and such Clerk of the Peace of the Borough shall in like Manner give Notice of the Intention of the Justices of the Borough to appoint, at a Special Meeting to be fixed in such Notice, within Three Months from the Date thereof, a Committee of Justices either to superintend the erecting or providing of an Asylum for the Pauper Lunatics of such County or Borough alone, or to treat and enter into an Agreement with the Justices of some other County or Counties, Borough or Boroughs, or with the Subscribers to some Lunatic Asylum theretofore established by voluntary Subscription, for the erecting or providing an Asylum for the Pauper Lunatics of such County or Borough.

Justices of every County and Borough not having a Lunatic Asylum, to appoint a Committee to superin-

IV. And be it enacted, That the Justices of every County which has no Asylum for the Pauper Lunatics thereof shall, at the then next General or Quarter Sessions for such County, after such Notice shall have been given as aforesaid, and the Justices of every Borough which has no Asylum for the Pauper Lunatics thereof, at the Special Meeting to be named as aforesaid, shall elect some Justices to be a Committee either to superintend the erecting

or

or providing of an Asylum for the Pauper Lunatics of such County or Borough alone, or to treat and enter into an Agreement with the Committee or Committees of Justices of any other County or Counties, Borough or Boroughs, or with the Subscribers to any Lunatic Asylum theretofore established by voluntary Subscription, for the erecting or providing of an Asylum for the Pauper Lunatics of such County or Borough: Provided always, that the Committee of Justices to be so appointed for erecting or providing an Asylum for the sole Use of any One County or Borough shall not consist of less than Seven Justices, and that the Committee of Justices to be so appointed to treat with any other Committee or Committees or Subscribers as aforesaid for erecting or providing an Asylum as aforesaid shall not consist of more than Fifteen nor of less than Three Justices: Provided also, that every Borough in which, at the passing of this Act, there shall not be Six Justices, besides a Recorder, shall, for the Purposes of this Act, be annexed to and be Part of the County in which it is wholly situated, or in case it be not wholly situated in any One County shall be annexed to and be Part of such One of the Counties in which it is situate as Her Majesty's Principal Secretary of State for the Home Department shall, by Writing under his Hand and Seal, direct; and the Recorder of every such last-mentioned Borough shall, at the General or Quarter Sessions next after the Twentieth Day of *December* in every Year, nominate and appoint Two of the Justices of such Borough to be Members of the Committee of Justices of the County to which such Borough is hereby or shall be annexed, in addition to the Members of the Committee for such County; and the Committee of Justices of every County to which any Borough is hereby or shall be annexed as aforesaid shall from Time to Time fix the Sum to be contributed by such Borough towards the Expences of and incident to the erecting, providing, and maintaining the Asylum of such County according to the comparative Population of such Borough and County as stated in the then last Returns made of the same under the Authority of Parliament, and give Notice thereof in Writing to the Treasurer of such Borough; and such Sum shall be raised by a Borough Rate to be made by the Council of the Borough, in like Manner as is directed by an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or out of the Borough Fund if the Council shall think fit, and shall be paid by the Treasurer of the Borough to the Treasurer of the Asylum: Provided also, that where the Subscribers to any Asylum established by voluntary Subscriptions enter into any Agreement with the Justices of any County or Borough under this Act, nothing in this Act contained shall prevent the Reception into the Asylum provided by such Subscribers and such Justices under such Agreement, or the Discharge therefrom, of so many of any Lunatics, other than Pauper Lunatics, as might have been received into the Asylum so established by voluntary Subscription if this Act had not been passed.

tend the providing one.

Every Borough not having Six Justices, besides the Recorder, to be annexed to the County or one of the Counties in which it is situate, for the Purposes of this Act.

5 & 6 W. 4. c. 76.

Proviso for Asylums established by voluntary Contributions.

V. And

Subscribers to any Lunatic Asylum authorized to appoint a Committee to treat with Committee of Justices for uniting such Asylum with a County or Borough Asylum.

V. And be it enacted, That it shall be lawful for the major Part of the Subscribers to any Lunatic Asylum supported by voluntary Subscriptions already established, present at any Meeting of Subscribers to the same, which shall be called together by Advertisement in a Newspaper commonly circulated in the Place where such Asylum is situate, for the express Purpose of making such Election and Appointment, to elect and appoint any Number of Subscribers, not exceeding Five, to form a Committee to treat and enter into an Agreement with the Committee or Committees of Justices of any County or Counties, Borough or Boroughs, elected or appointed as aforesaid, to unite such Asylum supported by voluntary Subscriptions with an Asylum for such County or Borough, Counties or Boroughs, under the Provisions and for the Purposes of this Act.

Committees of Justices and Subscribers, if they unite, to enter into an Agreement in the Form in Schedule (A.)

VI. And be it enacted, That when Two or more Committees of Justices, so elected or appointed as aforesaid, shall agree to unite, either together or together and with any Committee of such Subscribers as aforesaid, for the Purposes of this Act, and where any One Committee of Justices, so elected or appointed as aforesaid, shall agree to unite with any Committee of such Subscribers as aforesaid for the Purposes of this Act, an Agreement shall be entered into and signed by the said several Committees, or the major Part of such Committees respectively, in the Form or to the Effect set forth in Schedule (A.) hereunto annexed; and such Agreement, when signed by the major Part of each or every such Committee (and not before), shall be binding upon the County or Counties, Borough or Boroughs, and Subscribers, for or on behalf of which or whom the Committees so signing such Agreement shall have been respectively elected or appointed; and every such Agreement shall specify the Proportion in which the Expences necessary for carrying into execution the Powers and Purposes of this Act shall be charged and assessed upon the several Counties and Boroughs and Subscribers so uniting, such Proportions, as regards the several Counties and Boroughs, to be calculated by the said Committees of Justices in proportion to the Population of the said several Counties and Boroughs as stated in the then last Returns made of the same under the Authority of Parliament, and, as regards the Subscribers, to be calculated by the Committee of Subscribers; and every such Agreement shall also specify the Numbers of every Committee of the County or Counties, Borough or Boroughs, or Subscribers, so uniting.

Committee of Justices to report and deliver a Copy of the Agreement at the then next Sessions.

VII. And be it enacted, That whensoever any Agreement shall have been so entered into and signed as aforesaid, the Committee for each County and Borough so uniting shall report the same to the Justices of such County or the Recorder of such Borough at the then next General or Quarter Sessions, and shall then and there deliver into Court a Duplicate of the said Agreement, to be by the Clerk of the Peace of the same County or Borough entered among the Records thereof.

Justices of every County and Borough having a

VIII. And be it enacted, That the Justices of every County and Borough which has or shall have an Asylum for the Pauper Lunatics thereof, but which has or shall have more Pauper Lunatics than such

Asylum will properly accommodate, and the Justices of every County or Borough which has or shall have an Asylum which any One of Her Majesty's Principal Secretaries of State shall, by Writing under his Hand and Seal, declare to be inadequate or unfit for the proper Accommodation of the Pauper Lunatics of such County or Borough, shall erect or provide additional Buildings or an additional Asylum for the Pauper Lunatics of such County or Borough as the said Secretary of State shall direct: Provided always, that in case the Asylum so declared inadequate or unfit as aforesaid shall be a Workhouse, it shall be lawful for the said Secretary of State, if he shall think fit, upon the Application in Writing of the Guardians or Overseers of the Union or Parish to whom such Workhouse shall belong, or of the major Part of them, to direct such additional Buildings or such additional Asylum as aforesaid to be erected or provided by the said Guardians or Overseers; and every such Workhouse which shall be so added to, and every such additional Asylum which shall be erected or provided as last aforesaid, shall be and be deemed to be a Lunatic Asylum for such County or Borough, and shall be included in and shall be subject to the Provisions of this Act; and it shall be lawful for the Guardians or Overseers to whom such Direction shall be given, and they are hereby authorized, to apply, or to assess, raise, and levy such Sum or Sums of Money as may be necessary for the Purposes aforesaid from such Funds, or by such Powers, Ways, and Means, as are now by Law belonging or given to or vested in such Guardians or Overseers specially, or in Churchwardens or Overseers of the Poor generally, in relation to the Purchase or Hiring of Lands, or the Purchase, building, hiring, enlarging, or maintaining of Workhouses: Provided also, that it shall be lawful for the Justices of any such County, in General or Quarter Sessions, or of any Borough, with the Consent of the Poor Law Commissioners for *England* and *Wales*, and of the Guardians and Overseers of the Union or Parish, to take and use a Workhouse for the Reception of all or any of the Pauper Lunatics of such County or Borough who may be chronic Lunatics; and every Workhouse so taken and used shall thereafter cease to be a Workhouse for other Purposes whilst so used, and shall be and be deemed for all the Purposes of this Act to be a Lunatic Asylum of such County or Borough, and to be included in the Provisions of this Act.

Lunatic Asylum, but of insufficient Accommodation, to provide an additional Asylum or Accommodation.

IX. And be it enacted, That it shall be lawful for the Committee of Visitors for the Time being of any Asylum already erected for any County or Borough or united Counties or Boroughs, and also for the Committee of Visitors for the Time being of any Asylum already erected for any County or Borough or united Counties or Boroughs, jointly with any voluntary Subscribers, to unite, under the Powers of this Act, and in manner herein-after directed, and either by way of Purchase or by Payment of any Sum in the Nature of Rent, or otherwise, with any other County or Borough, Counties or Boroughs, or any voluntary Subscribers, for the joint Use of any Asylum already erected, or for the erecting or providing of additional Buildings or an additional Asylum for the Pauper Lunatics of such County or Counties, Borough or Boroughs; and in every such Case if the said existing Asylum shall not afterwards be used by the united County or

Power for the Visitors of existing County and Borough Asylums to unite, under the Powers of this Act, with the Visitors of any other County or Borough.

Borough, Counties or Boroughs jointly, the Expences of and incident to the erecting, providing, and maintaining the said additional Buildings or additional Asylum shall be charged and assessed upon the several Counties, Boroughs, and Subscribers so uniting as herein-before provided in the Case of Counties and Boroughs none of which have an Asylum; but if the said existing Asylum shall afterwards be used by the united County or Borough, Counties or Boroughs jointly, the Committees of Visitors of the several Counties, Boroughs, or Subscribers, as the Case may be, which shall be so united shall fix the Sum to be paid by the County or Borough, or each of the Counties and Boroughs, not then having any Asylum, towards the Expences then already incurred in erecting or providing such Asylum as aforesaid, and the same shall be paid by every such County or Borough to the Treasurer of such Asylum, and shall be raised by such County or Borough in the same Manner as other Monies are hereby directed to be raised by Counties and Boroughs respectively for the Purposes of this Act, and shall be applied by the Committee of Visitors of the Asylum in such Manner as such Committee shall think fit, according to the Provisions and for carrying into effect the Purposes of this Act; and in every Case of any such Union as last aforesaid an Agreement shall be entered into according to the Form or to the Effect set forth in the said Schedule (A.), and shall contain the same Specifications as herein-before required in the Case of an Agreement for an Union by Counties and Boroughs none of which has an Asylum.

Boroughs now contributing to a County Asylum to be deemed to have an Asylum.

Any Borough, upon Notice, may separate itself from a County Asylum.

X. And be it enacted, That every Borough which is situate within a County having an Asylum for Pauper Lunatics, and which under any previous Act now contributes to such Asylum, shall, for the Purposes herein-before mentioned, be considered as having an Asylum for the Pauper Lunatics of the said Borough: Provided always, that it shall be lawful for any such Borough at any Time hereafter, upon giving Six Calendar Months Notice in Writing, under the Hand of the Town Clerk, in pursuance of a Resolution of the Council of such Borough, to the Clerk of the Peace of the County, to separate itself, so far as it relates to the Establishment of a Lunatic Asylum for such County and the Maintenance of Lunatics therein, from the County in which such Borough may be situated, and from and after the Expiration of such Notice such Borough shall, for the Purposes of this Act, be deemed a Borough not having an Asylum for the Pauper Lunatics thereof: Provided also, that from and after the Expiration of such Notice, and until the Withdrawal from such County Asylum of all the Lunatics from or belonging to any such Borough, such Borough shall be liable to contribute towards the Expences of such Asylum, in the same Manner and to the same Extent as such Borough would have been liable to contribute if Notice of Separation had not been given; and from and after the Expiration of such Notice, and the Withdrawal from such County Asylum of all Lunatics from or belonging to such Borough, then and in such Case such Borough shall not be liable to pay or contribute towards the Expence of the Establishment of such Asylum, or the Maintenance of Lunatics therein, save only such Proportion of the Expences of maintaining Lunatics chargeable to the County in which such Borough is situate

which would have been chargeable upon such Borough in case it had not so separated from the County.

Present Visitors to remain in Office till the Sessions next after the 20th December 1845.

XI. And be it enacted, That in every County and Borough for which an Asylum has been already provided the present Committee of Visiting Justices, or of Visiting Justices and Subscribers, or of Visitors thereof, shall continue to be the Committee of Visiting Justices or Visitors thereof until the General or Quarter Sessions which shall be held next after the Twentieth Day of *December* in the Year One thousand eight hundred and forty-five.

For the Appointment of future Visitors.

XII. And be it enacted, That at the General or Quarter Sessions to be held next after the Twentieth Day of *December* in every Year the Justices of every County, and at a Special Meeting to be held within Twenty Days after the Twentieth Day of *December* in every Year the Justices of every Borough, having for the Time being an Asylum (whether already erected or provided, or in course of Erection, or hereafter to be erected or provided or, in course of being erected or provided) either for the sole Use of such County or Borough, or otherwise as aforesaid, shall elect some Justices of such County or Borough to be a Committee on behalf of such County or Borough for the Purposes of the said Asylum, during the Year then next ensuing the Election; and in case of the Incapacity, Resignation, or Death of any Member of the said Committee, the said Justices of every County at any General or Quarter Sessions for such County, or the Justices of every Borough at a Special Meeting, may elect a Justice to be a Member of such Committee for the then Remainder of the current Year in the Place of the Member who shall have so become incapable, resigned, or died; and in the Month of *January* in every Year the Subscribers to every Lunatic Asylum already erected by voluntary Subscription, and which shall have been then united or be intended to unite with any County or Counties, Borough or Boroughs, as aforesaid, under the Provisions of any former or of this present Act, or the Majority of such Subscribers present at a Meeting of which Notice shall have been given by public Advertisement in some Newspaper circulated within the Place in which such Lunatic Asylum shall be situated, shall elect some of such Subscribers to be a Committee on behalf of such Subscribers, for the Purposes of such Asylum, during the Year then next ensuing; and in case of the Incapacity, Resignation, or Death of any Member of the said Committee, a Majority of the said Subscribers present at any Meeting called as aforesaid may elect a Subscriber to be a Member of such Committee for the then Remainder of the current Year in the Place of the Member who shall have so become incapable, resigned, or died; and in every Case in which there shall be or be intended to be an Asylum for the sole Use of any One County or Borough, the Committee of Justices elected for such One County or Borough as aforesaid shall be the Committee of Justices for the Visitation, Management, providing, and erecting of such Asylum, House, or Place, and shall be called the "Committee of Visitors;" and in every Case in which any One or more County or Counties, Borough or Boroughs, shall be united together, or with any Subscribers as aforesaid, or together, and also with any

any Subscribers as aforesaid, the said Committees of such County or Counties, Borough or Boroughs, and Subscribers, as the Case may be, shall form and be One Committee for the Visitation, Management, providing, and erecting of the Asylum for such County or Counties, Borough or Boroughs, and Subscribers, as the Case may be, and shall be called the "Committee of Visitors:" Provided always, that the Number of Justices to be elected to be the Committee of Visitors of any County or Borough having an Asylum, House, or Place for its sole Use shall not be less than Seven, and that the Number of the Justices of every County and Borough, and of every Body of Subscribers, heretofore united as aforesaid, to be elected to be the Committee of Visitors, shall be the Number specified in the Agreement entered into for effecting or regulating such Union as aforesaid; and that the Number of the Justices of every County and Borough, and of every Body of Subscribers, which shall be hereafter united as aforesaid, to be elected to be the Committee of Visitors, shall be the Number specified in the Agreement entered into for effecting such Union, but so that the Number of Justices for any County to be hereafter united shall not be more than Fifteen nor less than Seven, or for any Borough more than Seven nor less than Three.

Former Visitors to remain in Office in case of the Omission of an Election, or of filling up a Vacancy.

XIII. And be it enacted, That if any such Justices or Subscribers as aforesaid shall in any Year neglect or omit to make such Election, or to fill up any Vacancy which may have occurred as aforesaid, or there shall be any Delay in making or filling up the same, then the Committee of Visiting Justices, or Visitors lastly before appointed, or such of them as shall continue to act, shall be deemed and taken to be the Committee of Visiting Justices or Visitors for the Purposes aforesaid until such Election as aforesaid shall have been made or such Vacancy shall have been filled up.

Meetings of Visitors.

XIV. And be it enacted, That the several Persons who shall at first and at each general annual Election be elected Members of any Committee of Visitors shall, within One Calendar Month after their Election, assemble at some convenient Place, to be named in a Notice previously given by Two or more of such Visitors or their Clerk to the several Members of such Committee, and that the said Visitors may adjourn the said Meeting from Time to Time or from Place to Place, and meet where and as often as they shall think necessary; and the said Visitors shall at their first Meeting after their Election elect One of their Members to be Chairman for the Year, who shall preside at all Meetings at which he shall be present; and in case of the Absence of the Chairman from any Meeting the Members of the Committee then present shall elect One of such Members to be Chairman for the Meeting, who shall preside at the Meeting; and to constitute a Meeting of a Committee there shall be present not less than Three Members thereof, except for Adjournment, which may be made by less than Three; and every Question shall be decided by a Majority of Votes (the Chairman, whether permanent or temporary, having a Vote), and in the event of an Equality of Votes on any Question the Chairman for the Time being shall have an additional or casting Vote; and every such Committee of Visitors shall appoint

Every Committee to elect a Chairman;

Number of Members to constitute a Meeting; Questions how to be decided.

appoint a Clerk to such Visitors for the Purposes of this Act, at such Salary or Remuneration as such Visitors shall think fit, and from Time to Time, if and when they shall think fit, remove such Clerk or any future Clerk, and in any such Case, and in case of the Death or Resignation of any such Clerk, and as often as the same shall occur, appoint a new Clerk.

Visitors to appoint a Clerk.

XV. And be it enacted, That if any Committee of Visitors shall neglect to adjourn any Meeting of such Visitors, and whenever any Circumstance shall render the Meeting of such Committee necessary or convenient before the Time to which their Meeting may have been last adjourned, and in any other Case in which a Meeting of such Committee shall be desirable, it shall be lawful for the Chairman of the Committee, or any Two of the Visitors, or the Clerk of such Visitors, to convene a new Meeting by a Circular Letter to each Visitor, informing him of the Time and Place of such Meeting, Ten Days at least before the same shall be held.

The Chairman, or Two Visitors, or the Clerk, may convene Meetings of Visitors in certain Cases.

XVI. And be it enacted, That every Committee of Visitors may sue and be sued in the Name of their Clerk; and that no Action which may be brought or commenced by or against any such Committee of Visitors in the Name of their Clerk shall abate or be discontinued by the Death or Removal of such Clerk, but the Clerk for the Time being to the Visitors shall always be deemed Plaintiff or Defendant in such Action, as the Case shall be.

Visitors may sue and be sued in the Name of their Clerk, whose Removal shall not abate Actions.

XVII. And be it enacted, That the Committee of Visitors for any County or Borough, Counties or Boroughs, for which an Asylum or an additional Asylum, or additional Accommodation for Pauper Lunatics shall for the Time being be required, shall, subject as hereinafter mentioned, procure, examine, and determine on Plans and Estimates of and contract for the Purchase of Lands and Buildings (and in the Case of Buildings either with or without any Fittings-up and Furniture belonging thereto), and for building, erecting, altering, improving, restoring, furnishing and completing an Asylum or additional Asylum or additional Accommodation for the Pauper Lunatics of the County or Borough, Counties or Boroughs, for which such Visitors, or such of them as shall not be elected by Subscribers as aforesaid, shall be appointed, or for those of the same Pauper Lunatics for whom there shall not be proper Accommodation in any existing Asylum, or, with the Consent of the said Poor Law Commissioners, and of the Guardians or Overseers of the Parish or Union, for adapting any Workhouse for all or any of the same Lunatics who may be chronic Lunatics; and, subject as aforesaid, shall also contract for making, laying out, and completing the Yards, Courts, Outlets, Grounds, Lands, and Appurtenances to such Asylum or additional Asylum or Workhouse, and also from Time to Time to purchase any Land or Buildings for the Purpose of enlarging or improving any such Asylum, Workhouse, or the Yards, Courts, Outlets, Grounds, Land, and Appurtenances thereto; and every Contractor shall give to the Clerk to such Visitors sufficient Security for the due Performance of the Contract; and every such Contract, and all Orders relating thereto, shall be entered in a Book to be kept by the Clerk to such Visitors; and

When an Asylum or additional Asylum or Accommodation is required, the Visitors to procure and determine on Plans and Estimates, and to contract for the Purchase of Lands and Buildings, and for erecting, &c., the necessary Buildings.

Contractors to give Security.

Contracts and Orders to be entered

in a Book to be deposited, and to be open to Inspection.

and when such Asylum or Workhouse and Appurtenances, or (as the Case may be) the Additions to or Alterations thereof, shall be declared to be completed, then such Book shall be deposited and kept among the Records of the County or Borough, or, in the Case of Two or more Counties or Boroughs having united for the Purposes of such Contract, among the Records of such One of the united Counties or Boroughs as shall have paid the largest Proportion of the Expences of such Contract; and every such Book may be inspected at all reasonable Times by any Person contributing to the Rates of such County or Counties, Borough or Boroughs respectively, and also if any Part of such Expences has been paid by voluntary Subscriptions, by any of such voluntary Subscribers; and a Copy of every such Book shall be kept at the Asylum or additional Asylum which shall have been erected or provided; and all Lands and Buildings so to be purchased as aforesaid shall be conveyed to such Person or Persons as the Visitors by whom the same shall be purchased shall think fit, in trust for the Purposes of this Act: Provided always, that the said Visitors shall from Time to Time make their Report to the General or Quarter Sessions of the County or Borough, Counties or Boroughs, for which they, or such of them as shall not have been elected by Subscribers as aforesaid, shall be elected, of the several Plans, Estimates, Contracts, and Purchases which shall have been agreed upon, and of the Sum or Sums of Money necessary to be raised and levied for defraying the Purchase Monies and Expences thereof on the County or Borough, or in the Case of Two or more Counties or Boroughs having united for such Purposes, on each or every of such Counties or Boroughs, which Plans, Estimates, Contracts, and Purchases shall be subject to the Approbation of the Court or Courts of General or Quarter Sessions of such County or Counties, and of the Justices of such Borough or Boroughs, before the same shall be completed or carried into execution.

Lands purchased to be conveyed in trust for the Purposes of this Act.

Visitors to report.

Power to Visitors to purchase in consideration of a Rent reserved.

XVIII. And be it enacted, That it shall be lawful for any Committee of Visitors to purchase and take a Conveyance for the Purposes of this Act from any Person having absolute Power to sell and convey, independently of this Act, any Buildings, Lands, or Hereditaments, in consideration of a yearly Rent-charge or annual Sum to be limited to such Person, his Heirs and Assigns, or as he or they shall direct, out of the Buildings, Lands, or Hereditaments to be purchased, and which shall be conveyed to such Committee of Visitors, subject thereto, and to the usual Powers of Distress and Entry for securing the same.

Power for Visitors to take a Lease at a Rent.

XIX. And be it enacted, That it shall be lawful for any Committee of Visitors, instead of purchasing any Buildings, Lands, or Hereditaments which they are hereby authorized to purchase, to take a Lease thereof for any absolute Term of not less than Sixty Years at such annual Rent and under such Covenants as the said Committee of Visitors shall think fit.

Power for incapacitated Per-

XX. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues,

by and with the Consent in Writing of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, and for Her Majesty, by Grant signed by the Chancellor of the Duchy of *Lancaster*, and for the Council of the Duchy of *Cornwall*, by the Lord Warden of the Stannaries, in manner required by Law, and for the Guardians and Overseers of the Poor of any Parish or Union of Parishes under the Direction and with the Approbation of the Poor Law Commissioners for *England* and *Wales*, and for the Visitors or Trustees of any Building now used or hereafter to be used as an Asylum for Pauper Lunatics, or of any Land held therewith, and for any Lay or Ecclesiastical Corporation, aggregate or sole, and for any Feoffees or Trustees to charitable or other Uses, and for any Person beneficially seised or entitled in possession as Tenant in Fee Simple, or in Fee Tail, general or special, or for his own Life, or for Years determinable on his own Life (such Estate for Life or Years not being subject to any Rent), or for any Term of Years in gross, whereof not less than Four hundred shall be unexpired, and subject to no Equity of Redemption or Rent, except a nominal Rent, and for any married Woman entitled or interested as aforesaid to her separate Use, whether with or without any Restriction as to Anticipation, and for the Guardian, Trustee, Husband, or Committee of any Person so seised or entitled, who shall be an Infant, married Woman not separately entitled, Lunatic, or under any other Disability, to dispose of, by way of absolute Sale, or in exchange for any Buildings, Lands, or other Hereditaments, any Lands, Buildings, or other Hereditaments for the Purpose of the same being used or converted into an Asylum for the Pauper Lunatics or any of the Pauper Lunatics of any County or Borough, Counties or Boroughs, either alone or together with any other Lunatics, or being used as the Site of any such Asylum, or of being occupied therewith, or for any other Purpose relating to the Custody, Accommodation, or Employment of Pauper Lunatics to be received into such Asylum, which the Visitors thereof may approve of, with the Rights, Easements, and Appurtenances, and to convey the same and the Fee Simple and Inheritance thereof unto such Person or Persons as shall be named by the said Committee of Visitors, and in such Manner as the said Committee of Visitors may direct, and to accept or give any Monies by way of Equality of Exchange.

sons to convey and exchange.

XXI. And be it enacted, That all Money which shall be agreed to be paid to any Corporation, or to any Trustee, Guardian, or Committee for or on behalf of any Infant, Ward, Lunatic, married Woman, or other Person under Disability, or to any Person not having Power to sell except under the Provisions herein-before contained, for the Purchase or Equality of Exchange of Hereditaments as aforesaid, shall, in case the same shall exceed the Sum of Fifty Pounds, and there shall be no Person capable of giving a sufficient Discharge for the same, be paid by the said Committee of Visitors into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties who shall be so interested in the said Hereditaments, describing them, subject to the Order of the said Court of Chancery, which said Court, on the Petition of or Motion on behalf of any Corporation

Application of Money on a Sale by or an Exchange with any incapacitated Person.

or

or Person making claim to any such Money, is hereby empowered summarily to order the Investment of such Money in the Purchase of Real Estates to be settled to the same Uses and upon the same Trusts as the Lands so sold were previously subject to, or in the Public Funds, and the Distribution of the Rents and Dividends thereof respectively, according to the respective Interests of the Claimants thereof, and to make such other Order in the Premises as to the Court shall seem reasonable; and the Cashier of the Bank of *England* who shall receive such Money shall give a Receipt to the Party paying the same, specifying for what the same is received, which Receipt shall be to all Intents and Purposes a sufficient Discharge; but such Money, in case the same shall not exceed the Sum of Fifty Pounds, shall be paid to the Party or Parties by whom the Sale or Exchange shall be made, for his and their own absolute Benefit.

Persons in possession to be deemed entitled till the contrary be shown.

XXII. And be it enacted, That in case of any Doubt or Question of Title to any Money paid into the Bank of *England* by virtue of this Act, or the Securities on which the same may be invested, or the Dividends or Interest thereof, the Corporation or Person who shall have been in the Possession of such Hereditaments, Interests, or Incumbrances at the Time of such Purchase or Exchange, and Persons claiming under them, shall be deemed and taken to be lawfully entitled to such Hereditaments, Interests, or Incumbrances until the contrary shall be shown to the Satisfaction of the said Court of Chancery, and the Securities and Principal and Interest Monies shall be applied and disposed of accordingly.

Court of Chancery may order Expences to to be paid by Visitors.

XXIII. And be it enacted, That in case of such Purchase or Exchange, Payment into the Bank of *England*, and Application to the Court of Chancery as aforesaid, it shall be lawful for the said Court to order the Expences attending such Purchase or Exchange, Payment, and Application, or any Part thereof, to be paid by the said Visitors, who shall accordingly pay the same when and as the said Court shall direct, and the Money so paid shall be deemed Part of the Expences of such Purchase or Exchange, and be paid accordingly as hereinbefore is provided,

Provisions for the Enfranchisement of Copyhold and Customary Hereditaments.

XXIV. And be it enacted and declared, That the Provisions herein-before contained shall apply to Lands, Buildings, and other Hereditaments of Copyhold or Customary Tenure, and that whenever any Contract shall be entered into by any Visitors respecting any Lands, Buildings, or other Hereditaments of Copyhold or Customary Tenure, it shall be lawful for such Visitors to direct that the actual Value of such Lands, Buildings, or other Hereditaments (allowing in such Valuation for any Fine, Heriot, or Customary Due, Payment, or Rent, or any Service capable of being valued in respect of such Lands or Buildings or other Hereditaments), and also the Value of such Lands, Buildings, or other Hereditaments, considered as Lands, Buildings, or Hereditaments held in Fee Simple, free from Incumbrances, shall be ascertained by such Means as they shall think fit, and that the Difference in such Values, when so ascertained, shall be paid to or invested for the Use and Benefit of the Lord of the Manor of which such Lands or Buildings or other Hereditaments shall

shall be Parcel, or such other Person as would be entitled to the Fines payable upon Death or Alienation of the same, or to such Heriot, Dues, Payments, Rent, or Service respectively; and upon and from the making of such Payment or Investment such Lands or Buildings or other Hereditaments shall thenceforth be deemed enfranchised, and for ever discharged from every Fine, Heriot, Due, Payment, Rent, Suit, or Service, and shall thenceforth be and remain of the Tenure of Free and Common Soccage: Provided always, that if any such Lord of the Manor or other Person be under any legal Disability, the Powers and Provisions herein-before contained enabling Persons under Disability to convey or otherwise dispose of and deal with Property, and for the Payment and Application of the Purchase Money, shall apply to such Lord of the Manor or other Person, and the said Difference in Value herein-before directed to be paid to him or invested for his Use and Benefit: Provided also, that if such Lord of the Manor or other Person be dissatisfied with the Result of such Valuations, and shall, within Seven Days after Tender made to him of the Amount of the said Difference in Value, or after Notice left at his Place or last known Place of Residence, or with his known Agent, of such Amount being ready to be paid to him or invested as aforesaid, send Notice by the Post to the said Visitors of such Dissatisfaction, it shall be lawful for the Visitors to direct further Valuations to be made, at or within such Period as they may see fit, by Two Valuers, one to be named by the Visitors and the other by such Lord of the Manor or other Person, which Two Persons so named shall, previously to their entering on their Valuations, name a Third Valuer or Umpire to be referred to in case they disagree, and the Award of such Two first-named Valuers, or, if they disagree, of their Umpire, shall be binding on all Parties; and on Payment or Investment, under the Provisions of this Act, of the Difference of such last-mentioned Valuations, such Lands, Buildings, and other Hereditaments shall thenceforth be deemed enfranchised and discharged in manner aforesaid, and be and remain of the Tenure of Free and Common Soccage; and when and so soon as any such Enfranchisement as aforesaid shall have been made it shall be lawful for the Steward of the Manor whereof such Lands, Buildings, or Hereditaments were Parcel, and he is hereby required, on the Receipt of a Certificate under the Hand and Seal of the Clerk of the said Visitors of such Enfranchisement having been effected, to enter such Certificate on the Rolls or Books of the said Manor, and to furnish a Copy of such Entry, written on Parchment, to the said Visitors or their Clerk, or to such Person or Persons as they or he may direct, and to certify the same to be a true Copy under his Hand; and such Certificate, or a Copy thereof, under the Hand and Seal of the Clerk of the Visitors, shall thenceforth be Evidence of such Enfranchisement.

Assessment to Rates and Taxes not to be increased after Purchases for the Purposes of this or any former Act

XXV. And be it enacted, That in all future Rates, Taxes, and Levies to be made for any Parish or Place in which any Lands, Buildings, or Hereditaments already purchased or to be purchased, under the Provisions of this or any former Act, for the Purposes of any Asylum, shall be situate, such Land, Buildings, or Hereditaments, with or without any Buildings or additional Building to be erected thereon, shall not be assessed to any such Rates, Taxes, or Levies at a higher

a higher Value and more improved Rent than the Value or Rent at which the same were assessed at the Time of such Purchase, nor shall any Building which under this or any former Act has been or shall be erected or purchased for the Purposes of an Asylum be assessed to any Window Tax.

Visitors to order all ordinary Repairs of Asylums.

XXVI. And be it enacted, That the Committee of Visitors of every Asylum may, of their own Authority, from Time to Time order all such ordinary Repairs as may be necessary for such Asylum, and if such Asylum shall belong to One County or Borough only they shall cause the Expence of such Repairs to be paid by making an Order upon the Treasurer of such County or Borough for the Payment thereof, but if such Asylum shall belong to One County or Borough or to Two or more Counties or Boroughs united together with or separate from any voluntary Subscribers, they shall apportion the Expence of such Repairs, or so much thereof as shall not be raised by voluntary Subscription, between or among such Counties or Boroughs respectively, in respect to any Asylum already erected in the Proportion in which each County and Borough has contributed to the Erection thereof, and in respect to any Asylum to be hereafter erected in the same Proportions as herein-before directed with regard to erecting or providing such Asylum, and shall cause the Proportion of each County or Borough to be paid by making an Order upon the Treasurer thereof for the Payment of the Proportion to be paid by such County or Borough, and every such Treasurer shall immediately discharge the same out of any Money of such County or Borough then in his Hands, or which may thereafter come to his Hands, not specifically appropriated to any other Purpose, and the same may be recovered from him for the Benefit of such Asylum by the Treasurer or Clerk thereof, together with all Costs and Expences, by an Action in any of Her Majesty's Courts at *Westminster:* Provided always, nevertheless, that no Order for any Repairs, or for the Payment of any Money which shall exceed the Sum of Four hundred Pounds, shall be made, unless due Notice of the Meeting at which the same shall be ordered shall have been previously given according to the Rules and Regulations made by the Visitors for the Time being, nor unless Three Visitors shall concur in and sign such Order.

No Order for Payment of Money exceeding 400*l.* to be made unless Notice has been given of the Meeting.

To prevent Exclusion from Asylums of curable Lunatics, separate Provision to be made for chronic Lunatics.

XXVII. And be it enacted, That in the erecting and providing of every Asylum hereafter to be erected or provided for the Reception of Pauper Lunatics, and also in enlarging the same or any Asylum already erected, regard shall be had to the Number of Lunatics to be provided for therein who shall be or be deemed curable or dangerous; and in order to prevent such Lunatics being excluded from Admission into such Asylum by reason of the Admission or Accumulation therein of chronic or incurable Lunatics, some separate or additional Building shall be provided for chronic or incurable Lunatics whenever by reason of the Increase in Numbers of Lunatics the Asylum shall be insufficient for the Accommodation of all Lunatics entitled to be received therein; and in order to secure the immediate Admission into every such Asylum of all Lunatics deemed curable or dangerous a sufficient Number of such chronic or incurable Lunatics shall from

Time to Time be transferred from such Asylum to such separate or additional Building to be provided as aforesaid.

All Proposals, Agreements, and Plans to be submitted to the Commissioners in Lunacy, and all Contracts and Estimates to be approved of by the Secretary of State.

XXVIII. And be it enacted, That every Committee of Visitors shall submit all Proposals and Agreements for uniting Counties and Boroughs and other Asylums for the Purposes of this Act, and all Proposals for building or providing Asylums, or the Buildings, Yards, Outlets, or Appurtenances thereto, or additional Accommodation for Pauper Lunatics, and all Contracts and all Plans which may be intended to be adopted for such Asylums, Accommodation, and Premises, to the Commissioners in Lunacy, who shall make such Inquiries in reference thereto, and to the Lunatics to be provided for, as they shall deem proper, and shall report thereon in Writing to One of Her Majesty's Principal Secretaries of State; and the Estimates of the Costs and Expences of carrying into execution such Contracts for any of the Purposes of this Act, in reference to the Purchase of Land, or the building or providing any Asylum or additional Asylum or Accommodation for Pauper Lunatics, shall be submitted to Her Majesty's said Secretary of State; and no such Proposals, Agreements, Contracts, Estimates, or Plans shall be accepted, executed, or carried into effect until the same shall be approved of by the said Secretary of State by Writing under his Hand and Seal.

Visitors empowered to contract with the Owners of licensed Houses for the Care and Maintenance of Pauper Lunatics, subjet to the Approval of the Secretary of State.

XXIX. And be it enacted, That it shall be lawful for every Committee of Visitors to contract with the Proprietor of any House for the Time being licensed for the Reception of Lunatics for the Care and Maintenance of the whole or of a Portion of the Pauper Lunatics of the County or Counties, Borough or Boroughs, or any of them respectively, for which such Committee shall be acting, or for the Use and Occupation of all or any Part of the licensed House and Premises of such Proprietor, at such Sum, either in gross or by way of annual or other periodical Payment or Rent, and under and subject to such Terms, Stipulations, and Conditions, as such Visitors shall think fit; and every such Sum shall be paid out of the same Monies or Funds, and in the same Manner, as the Monies which would be paid for the Maintenance of such Lunatics if they were maintained in an Asylum provided by such County or Counties, Borough or Boroughs, under the Provisions of this or some former Act of Parliament: Provided always, that every such last-mentioned Contract shall be submitted to the Commissioners in Lunacy, and shall be approved by One of Her Majesty's Principal Secretaries of State by Writing under his Hand and Seal, and that no such Contract shall be made for any longer Period than for the Term of Five Years, and that every such Contract shall be made to determine on such House ceasing to be duly licensed for the Reception of Lunatics: Provided also, that no such Contract shall, during the Term for which it shall be made, exempt any County or Borough from the Duty and Obligation of erecting or providing, or uniting in erecting or providing, an Asylum or additional Asylum as required by this Act: Provided also, that every licensed House with the Proprietor of which any Committee shall so contract as last aforesaid shall be subject to the Visitation required by this Act, and to all Rules

Such Contract not to exempt any County or Borough from the Obligation of providing an Asylum.

Rules and Regulations which shall from Time to Time be made for the Management thereof by the Committee of Visitors with whom any such Contract shall be made, and also subject to such Visitations, Rules, and Regulations as the same licensed House would have been subject to if no such Contract had been made.

Power for Visitors to dissolve Unions.

XXX. And be it enacted, That it shall be lawful for every Committee of Visitors, with the Consent of the Majority of the Visitors of each County and Borough which is united, and with the previous Consent of One of Her Majesty's Principal Secretaries of State under his Hand and Seal, to determine and dissolve any Union of any Counties or Boroughs, either together, or together and with any Subscribers, whether such Union shall have been formed under this Act, or under the Act hereby repealed, or under any former Act, and upon such Dissolution, to divide and allot the Lands, Buildings, Hereditaments, Chattels, Monies, and Effects of or belonging to such Union between or among the County or Counties, Borough or Boroughs, and Subscribers, if any, between which or whom such Union shall have existed, in the Proportions in which they shall respectively have contributed thereto or shall be interested therein, or in such other Proportions and Manner as the said Visitors, with the Approbation of the said Secretary of State, shall think fit; and if on any such Division or Allotment there cannot be conveniently allotted to any County or Borough or Subscribers the proper Proportion of such County, Borough, or Subscribers in the Lands, Buildings, Hereditaments, Chattels, Monies, and Effects of such Union, there shall be paid to such County, Borough, or Subscribers such Sum of Money as the said Visitors, with the Approbation of the said Secretary of State, may direct, in full or in part Satisfaction, as the Case may require, of the aforesaid Proportion of such County, Borough, or Subscribers; and every such Sum of Money shall be raised by the County or Counties, Borough or Boroughs, to or between or among which the Lands, Buildings, Hereditaments, Monies, Chattels, and Effects of the said Union shall be allotted (if more than One in such Shares as the said Visitors, with the Approbation of the said Secretary of State, shall think fit), in the same Manner and by the same Means as other Monies are appointed to be raised by Counties or Boroughs for the Purposes of this Act.

Power for Visitors, with Consent of the Secretary of State, to sell Lands and Buildings.

XXXI. And be it enacted, That it shall be lawful for every Committee of Visitors, with the previous Consent of One of Her Majesty's Principal Secretaries of State under his Hand and Seal, to sell, either by public Auction or private Contract, and subject to any Conditions, any Houses, Buildings, and Lands, or Parts of Houses, Buildings, or Lands, which shall have belonged to and been used as or together with an Asylum by the County or Counties, Borough or Boroughs, and Subscribers (if any), by whom respectively such Committee shall have been elected as aforesaid, or any of the same Counties, Boroughs, or Subscribers respectively; and every Conveyance of such Houses, Buildings, and Lands which shall be executed by the Persons in whom the same shall then be vested as Trustees, or by any Three of the Members of the Committee of Visitors

Visitors who shall sell the same, shall be effectual to convey the same, for all the Estate or Interest then vested in such Trustees, to the Purchasers thereof respectively; and the Receipt of any Three of the Committee of Visitors who shall sell the same for the Purchase Monies shall be a sufficient Discharge for the same; and the Monies which shall be received from any such Sale, in case the same shall be made by a Committee of Visitors of any One County or Borough alone, shall be paid to the said Committee of Visitors, and be applied in carrying into execution the Powers and Purposes of this Act, or to the Treasurer of such County or Borough, and be applied for the general Purposes thereof, or otherwise as the Justices of such County or Borough shall, at some General or Quarter Sessions after the Payment thereof, direct; but in case the said Sale shall be made by a Committee of Visitors of any County or Borough united with any other County or Borough or Counties or Boroughs, or with any Subscribers, the Monies which shall be so received shall be paid to the Treasurer of the County, Borough, or Subscribers to which or to whom the Property sold shall have belonged, in case it shall have belonged to any one of them, or if the same shall have been the joint Property of more than One County or Borough, or of any County or Counties, Borough or Boroughs, together with any Subscribers, then to the respective Treasurers of such County or Counties, Borough or Boroughs, and Subscribers, in the Proportions in which they shall have been respectively interested in the Property sold; and such Monies shall be held and applied by every such Treasurer, in the Case of a County or Borough, as Part of the general Rates or Funds of such County or Borough, and in the Case of any Subscribers, as the Majority of such Subscribers present at any Meeting convened for that Purpose shall direct.

Application of Purchase Monies.

XXXII. And be it enacted, That no Visitor shall have or take or be capable of having or taking any Interest or Concern whatsoever, either in his own Name or in the Name of any other Person, in any Contract or Agreement to be made under the Authority of this Act, or in relation to the Premises, or shall, for any Design or Plan he may deliver or produce, receive any Benefit or Emolument whatever.

No Visitor to have any Interest in any Contract or Agreement.

XXXIII. And be it enacted, That in order to pay and defray the Monies, Costs, and Expences which shall be or shall become payable by any County or Borough for any of the Purposes of this Act, or the said Act hereby repealed, the Justices of every such County, at any General or Quarter Sessions for the same, may and shall assess and tax a general County Rate or Rates upon such County, and may and shall fix a Sum or Rate to be contributed by all Places whatsoever within such County, (other than any Borough being within such County, or by this Act for the Purposes thereof annexed thereto,) and whether such Places shall or shall not be liable to contribute to an ordinary County Rate; and the Council of every Borough may and shall assess a general Borough Rate in the Nature of a County Rate upon such Borough; and the said Rates shall be collected, levied, and recovered in the same Manner, and by the same Powers, Authorities, Ways, and Means, and under the same Penalties, as any ordinary Rate for such County or Borough respectively may by Law be collected,

Provisions for raising Monies required for the Purposes of this Act by County and Borough Rates.

lected, levied, and recovered; and the Monies, Costs, and Expences to be paid or contributed by any County or Borough for the Purposes of this Act shall be paid by the Treasurer of such County or Borough, out of the Rates aforesaid, to the Treasurer of the Asylum to which such County or Borough shall, either alone or jointly, pay or contribute: Provided always, that it shall be lawful for the Town Council of any Borough, if they shall think fit, to direct that any Monies which shall become payable for the Purposes of this Act, or any Part thereof, shall be paid out of the Borough Fund of such Borough, and such Monies shall be paid by the Treasurer of such Borough out of such Fund accordingly.

Power for Justices of Counties and Councils or Boroughs to raise Money by Mortgage of the Rates.

XXXIV. And be it enacted, That when it shall appear by the Report in Writing under the Hands of any Two Members of the Committee of Visitors, elected and appointed under this Act or the said Act hereby repealed, that the Monies, Costs, or Expences incurred or to be incurred or paid by any County or Borough for carrying into effect any of the Purposes of this Act or the said Act hereby repealed, and whether the same shall be wholly or only in part incurred, will exceed the Sum of Five thousand Pounds, and in the Case of any City, Town, Parish, Place, or District by this Act annexed to a County for the Purposes hereof will exceed the Sum of Two thousand Pounds, then and in such Case it shall be lawful for the Justices of every such County in General or Quarter Sessions assembled, or the major Part of them, such major Part not being less than Five, and for the Council of every such Borough, as the Case may be, from Time to Time to borrow and take up on Mortgage of all or any of the Rates to be made under the Authority of this Act for such County or Borough, or on Mortgage of all or any such Rates, together with all other Rates or Funds, or any of them, of the same County or Borough, all or any of the Money required for paying and defraying the Monies, Costs, and Expences which it shall appear by the said Report have been or are to be incurred or paid by such County or Borough as aforesaid; and such Money may be so raised in any Sum or Sums, of not less than Five hundred Pounds each, at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*; and every such Mortgage may be made by an Instrument in the Form contained in the Schedule (B.) hereunto annexed, or to that or the like Effect, and shall be executed in the Case of a County by the Chairman and Two or more other Justices present at the Time of making such Mortgage, and in the Case of a Borough by affixing the Common Seal of the Borough thereto; and every such Mortgage is hereby declared to be Evidence that such Report has been made as is herein-before required, and shall be effectual for securing to the Person advancing the Sum of Money in such Mortgage expressed to be advanced, his Executors, Administrators, and Assigns, the Repayment of such Sum of Money, with Interest for the same after such Rate, and at such Time, and in such Manner as in such Mortgage shall be provided; and the said Mortgages shall be numbered in the Order of Succession in which they shall be granted; and Copies or Extracts of all such Mortgages shall be kept by the Clerk of the Peace or other

proper

proper Officer having the Custody of the Records of the Quarter Sessions of such County, or of the Records of such Borough, as the Case may be; and every Person to whom any such Mortgage shall be made, his Executors or Administrators, is hereby empowered, by endorsing his or their Name or Names on such Mortgage, to transfer the same, and his and their Right to the Principal Money and Interest thereby secured, unto any Person; and every such Assignee, his Executors or Administrators, may in like Manner transfer the same again, and so *toties quoties*; and the Person to whom such Mortgage or any such Transfer thereof shall be made, his Executors and Administrators, shall be a Creditor or Creditors upon the Rates and Funds thereby expressed to be mortgaged in an equal Degree one with another, and shall not have any Preference or Priority other than is provided under the Powers of this Act.

Justices and Council may apply to Commissioners of Consolidated Fund for Public Works, under Act 5 & 6 Vict. c. 9., for Advance of Money.

XXXV. And be it enacted, That it shall be lawful for the Justices and Council of any County and Borough respectively to make Application for an Advance of any Sum necessary for the Purposes of this Act, or the said Act hereby repealed, to the Commissioners acting in the Execution of an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries, and Employment of the Poor; and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, and of any of the Acts in the above-mentioned Act recited or referred to, and of any Act or Acts passed for amending or continuing the same Acts; and the said Commissioners, and also the Commissioners of Her Majesty's Treasury, or any Three or more of them, are hereby empowered, if they shall think fit, to make such Advances, upon any such Application as aforesaid, upon the Security of the County or Borough Rates or Fund by this Act directed to be assessed and raised, or any of them, and without requiring any further or other Security than a Mortgage of such Rates.

Provisions for the Payment of the Interest on the Mortgages, and of a Portion of the Principal in each Year.

XXXVI. And be it enacted, That the said Justices or Council, as the Case may be, shall in every Year charge the Rates or Funds of such County or Borough with the Sum for the Time being required to pay the Interest of the Money so borrowed on such Mortgages, or such of them as shall for the Time being remain unpaid, and also with the Payment of a further Sum not less than One Thirtieth Part of the whole of such Mortgages at the Time of the same being first made; and such Sums shall be applied, under the Direction of the said Justices or Council, in discharge of the Interest on the said Mortgages, or such of them as shall for the Time being remain unpaid, and of so many of the Principal Sums owing on the said Mortgages for the Time being remaining unpaid as such Sums, after Payment of the Interest as aforesaid, will extend to discharge until the whole of the Principal Monies for which such Mortgages shall have been made, and the Interest thereof, shall be fully paid and discharged; and the said Justices and Council, as the Case may be, are and is hereby required to fix One or more Days in each Year

Year on which such Payments shall be made, and shall make Orders for Assessments in due Time, so as to provide for such Payments being regularly made; and the said Justices or Council, as the Case may be, shall, by Agreement with the Parties or others advancing any Money for the Purposes of this Act, determine the Order or Priority in which the several Sums advanced shall be respectively discharged; and the Justices of every County and the Council of every Borough so borrowing Money on Mortgage as aforesaid are and is hereby required to appoint a proper Person to keep an exact and regular Account of all Receipts and Payments in respect of Principal Monies borrowed or taken up as aforesaid, and the Interest thereof, in a Book or Books separate and apart from all other Accounts; and the said Book or Books, duly adjusted and settled up to the Time being, to deliver annually, in the Case of a County, into Court at some General or Quarter Sessions for such County, and in the Case of a Borough, to the Council of the Borough at such Time as such Council shall appoint; and the Justices for every such County at such Sessions, and the Council for every such Borough, are and is hereby required carefully to inspect all such Accounts, and to make such Orders for carrying the several Purposes aforesaid into execution as to them shall seem meet.

Provision to be made for paying Money borrowed within a limited Time not exceeding Thirty Years.

XXXVII. Provided always, and be it enacted, That the Justices of every County, and the Council of every Borough, borrowing Money as aforesaid, shall make Provision by means of the Rates which they are hereby respectively authorized to make, and by the Orders and Directions which they are hereby authorized to give, that the whole Principal Money to be borrowed under the Authority of this Act by such County or Borough, and all Interest for the same, shall be fully paid and discharged within a Time to be limited by such Justices or Council, not exceeding Thirty Years from the Time of borrowing the same.

Power to raise Money to pay off Sums already borrowed.

XXXVIII. Provided also, and be it enacted, That in every Case in which any Monies shall have been borrowed under the Powers of the said Act hereby repealed, it shall be lawful for the Justices of the County or Borough for which such Monies shall have been borrowed, with the Consent of the Parties from whom the same shall have been borrowed, to pay off the Monies so borrowed, and to raise and borrow the Monies necessary for that Purpose, and also to repay the said last-mentioned Monies, and the Interest thereof, under the Powers of this Act, as if the same were raised for the Purposes of this Act: Provided also, that all Monies which have been already borrowed shall be discharged within the Time originally fixed for Payment thereof, and that all Monies to be borrowed under this Act shall be discharged within Thirty Years from the Time of first borrowing the same.

Asylum may be erected beyond the Limits of any County or Borough; and Justices

XXXIX. And be it enacted, That the Asylum to be provided for any County or Borough, either solely or jointly, may be without the Limits of such County or Borough; and that when any Asylum provided or to be provided solely or in part for any County or Borough, or any Part of such Asylum, is or shall be situate within the Limits of any other County or Borough, then and in every such Case

Case the Justices of the County or Borough to which such Asylum shall wholly or partly belong shall have full Power and Authority to act in such other County or Borough, so far as concerns the Regulation of such Asylum and the Powers conferred by this Act, in the like Manner as if such Asylum and every Part thereof were situate within such County or Borough.

of such County or Borough may notwithstanding act therein.

XL. And be it enacted, That every Committee of Visitors shall, within Twelve Months after the passing of this Act in the Case of every Asylum already established, and within Twelve Months after the Completion thereof in the Case of every Asylum hereafter established, submit the existing general Rules, or prepare and submit some proposed general Rules, for the Government of the Asylum under their Superintendence, to One of Her Majesty's Principal Secretaries of State, for his Approval; and such Rules, when approved by him, shall be printed, abided by, and observed; and every such Committee shall have Power, with the like Approbation, to alter and vary such Rules from Time to Time as they shall think necessary; and every such Committee shall make from Time to Time such Regulations and Orders as they shall think fit, not inconsistent with the general Rules for the Time being in force for the Management and Conduct of the Asylum; and in such Regulations there shall be set forth the Number and Description of Officers and Servants to be kept, the Duties to be required, and the Salaries to be paid to them respectively; and every such Committee shall from Time to Time, as Occasion may require, appoint a Treasurer, who shall keep Accounts of all Monies received and paid by him on account of the Asylum, and such other Officers and Servants as they shall from Time to Time find necessary, in proportion to the Number of Persons confined in such Asylum, and at such Salaries or Wages as they shall think fit, and may at any Time dismiss any such Treasurer, Officer, or Servant, and shall from Time to Time determine the Diet of the Patients, and fix a certain weekly Sum to be paid for each Person of the County or Borough, and another weekly Sum for each Person not of the County or Borough, erecting the Asylum, confined in such Asylum, of such Amount that the same may be sufficient to defray the whole Expence of the Lodging, Maintenance and Care, Medicine and Clothing, and other Expences requisite for each Person, and that the total Amount of such weekly Sums, after defraying such Expences, may also be sufficient to pay the Salaries of the Officers and Attendants: Provided always, that such Rate for a Pauper shall in no Case exceed Fourteen Shillings *per* Week, and that the said Visitors shall annually audit the Accounts of the Treasurer and Clerk of every Asylum, and report the same to the next General or Quarter Sessions for the County or Borough, Counties or Boroughs, and to the Council of every Borough, at the Expence of which such Asylum shall have been wholly or partly erected or provided.

Visitors to submit general Rules to the Secretary of State, and, subject to such general Rules, to make Regulations and to appoint and dismiss Officers, and fix a weekly Rate for each Lunatic.

XLI. And be it enacted, That if the aforesaid Rate of Fourteen Shillings should be found insufficient for the Purposes aforesaid, it shall be lawful for the major Part of the Justices of the County or Borough, or of each of the Counties or Boroughs, at whose Expence such

If the Rate be found insufficient, Justices in Session may increase it.

such Asylum shall have been established, present at any General or Quarter Sessions or any Special Sessions for such County or Borough or such Counties or Boroughs respectively, to make such Addition to such Rate as to them respectively shall seem fit and necessary, and to make an Order or Orders accordingly, which Order or Orders shall be signed by the Clerk or Clerks of the Peace for the County or Borough or respective Counties or Boroughs, and forthwith published in some Newspaper commonly circulated within such County or Borough, Counties or Boroughs.

Visitors to appoint a Chaplain, Medical Officer, and a Clerk.

XLII. And be it enacted, That in every Asylum already erected or provided, or hereafter to be erected or provided, the Committee of Visitors shall appoint a Chaplain for the same, who shall be in Priest's Orders, and shall be licensed by the Bishop of the Diocese; and the said Licence shall be revocable by the Bishop whenever he shall think fit; and such Chaplain, or his Substitute, approved by the Visitors, shall perform and celebrate, in some convenient Place within such Asylum, Divine Service according to the Rites of the Church of *England* as established by Law, on every *Sunday*, *Christmas Day*, and *Good Friday*, and shall also perform and celebrate such Service within the said Asylum at such other Times, and also such other Services according to the Rites of the Church of *England* as established by Law, at such Times as the Visitors shall direct; and such Committee shall also appoint a Medical Officer, who shall be resident in such Asylum, and a Clerk, who shall not be such Medical Officer, and who may reside in such Asylum or not, as the Committee shall think fit; and the Committee shall have Power to remove such Chaplain, Medical Officer, and Clerk, and from Time to Time to appoint another in his Stead; and the Committee shall, if they think fit, have Power to appoint a Visiting Physician or Surgeon to every such Asylum, and shall appoint One of the Officers to be the Superintendent thereof: Provided always, that if any Patient shall be of a religious Persuasion differing from that of the Established Church, a Minister of such Persuasion, at the special Request of such Patient or his Friends, shall, with the Consent of the Medical Officer of such Asylum, be allowed to visit him or her at proper and reasonable Times, under such Restrictions imposed by the Visiting Justices as shall prevent Injury to such Patient and the other Lunatics confined in such Asylum; and provided also, that the Medical Officer of any Asylum for chronic Lunatics in which there shall for the Time being be less than One hundred Lunatics, need not be resident therein, but the Medical Officer of every such Asylum, if he be not resident therein, shall visit the same Three Times at the least in every Week, and with no longer Intervals than One Day between any Two Visits, and on every Visit shall personally examine every Patient in such Asylum, except any Patients whom there may be special and sufficient Reasons for not so examining, and shall make an Entry in a Book to be kept therein for that Purpose that he has so examined every Patient therein, except any Patients whom there may be special and sufficient Reasons for not so examining, and, in case of there being any Patients whom he has not examined, shall enter their Names in the said Book, and the Reasons for not examining them.

Patients allowed the Visits of any Minister of their own Persuasion.

Medical Officer to visit Asylum Three Times a Week, and examine Patients.

XLIII. And

Justices may grant Annuity to the Superintendent, &c., not exceeding Two Thirds of their Salaries.

XLIII. And be it enacted, That in case any Superintendent, Chaplain, Matron, or other Officer or Servant of any County or Borough Lunatic Asylum shall, from confirmed Sickness, Age, or Infirmity, become incapable of executing the Office in Person, it shall be lawful for the Justices of the County assembled at the General or Quarter Sessions, and the Justices of any Borough at any Meeting of such Justices, not being less than Five, and they are hereby empowered, to grant to such Superintendent, Chaplain, Matron, or other Officer or Servant such Annuity as they in their Discretion shall think proportionate to the Merits and Time of Services of such Superintendent, Chaplain, Matron, or other Officer or Servant, and may order the Payment out of the Rates lawfully applicable to the building or repairing such County or Borough Lunatic Asylum: Provided always, that the annual Amount paid by way of Superannuation or Allowance to any retired Superintendent, Matron, or other Officer or Servant of any Asylum shall not exceed the Amount of Two Thirds of the Salary payable at the Time of his or her Retirement.

Clerk of the Asylum to keep Account of Monies paid and received, and send Copies thereof annually to Secretary of State and Commissioners in Lunacy.

XLIV. And be it enacted, That the Clerk of every Asylum shall keep all Books, Documents, and Instruments which the Visitors of the Asylum shall be required to keep or direct to be kept, and shall also keep an Account of all Monies which shall be received or paid on account of the Asylum either to or by the Treasurer of the Asylum, or otherwise, and shall, in the Month of *March* in every Year, send a Copy of the Account of all such Monies for the Year previous, ending on the Thirty-first Day of *December*, to Her Majesty's Principal Secretary of State for the Home Department, and to the Clerk or Clerks of the Peace of the County or Counties, Borough or Boroughs to which the Asylum shall belong, and also to the Commissioners in Lunacy; and such Commissioners shall, within One Month from the Receipt of such Account, make out an Abstract thereof, and lay the same before both Houses of Parliament.

Three Visitors at least to visit once in every Three Months every Asylum.

XLV. And be it enacted, That not less than Three Members of every Committee of Visitors shall, once at the least in every Three Months, inspect every Part of every Asylum in which there shall be any Lunatics of the County or Borough, Counties or Boroughs for which they shall be Visitors, and shall see and examine, as far as Circumstances will permit, every Lunatic therein, and the Order and Certificate for the Admission of every Lunatic admitted since the last Visitation of the Visitors, and shall enter in a Book to be kept for that Purpose any Remarks which they may deem proper in regard to the Condition and Management of such Asylum and the Lunatics therein, and shall sign such Book upon every such Visit, and such Three Visitors shall in their Visits to every Asylum for chronic Lunatics be accompanied by the Visiting Physician or Surgeon of the County or Borough Lunatic Asylum, in all Cases in which there shall be a Visiting Physician or Surgeon.

Lists of Pauper Lunatics in every Asylum to be made half-yearly,

XLVI. And be it enacted, That the Medical Officer of every Asylum shall on the First Day of *January* and the First Day of *July* in every Year after the passing of this Act prepare a List of all Pauper Lunatics then in such Asylum, according to the Form in the Schedule

and laid before the Visitors, and Copies transmitted to the Clerk of the Peace and to the Secretary of the Commissioners in Lunacy.

Schedule (C.) No. 1. hereto annexed, and in the Case of every Asylum not devoted exclusively to chronic Lunatics specifying such as in the Opinion of the Medical Officer, and of the Visiting Physician or Surgeon, in case there shall be a Visiting Physician or Surgeon, may be properly placed in an Asylum for chronic Lunatics; and one Copy of every such List shall by such Medical Officer, within Fifteen Days after the same shall have been prepared, be laid before the Visitors of the Asylum, and another shall be transmitted by such Medical Officer to the Clerk of the Peace of every or any County and every or any Borough to which such Asylum solely or jointly belongs, to be by him laid before the Justices of such County or Borough; and another Copy of such List shall within the same Time be transmitted by such Medical Officer to the Commissioners in Lunacy;

A List of all private Patients in any Asylum to be sent half-yearly to the Commissioners.

and the Medical Officer of every Asylum subject to the Provisions of this Act, receiving private Patients, shall also on the First Day of *January* and the First Day of *July* in every Year prepare a List containing the Christian and Surnames of all the private Patients in such Asylum in the Form No. 2. in the said Schedule (C.), and shall transmit such List within the same Time as aforesaid to the Commissioners in Lunacy.

Clerks of Boards of Guardians, and Overseers where no Guardians, to make annual Returns of Pauper Lunatics.

XLVII. And be it enacted, That the Clerk of the Board of Guardians of every Parish and Union under a Board of Guardians, and the Overseers of every Parish not under a Board of Guardians, shall on the First Day of *January* in every Year, or as soon after as may be, make out and sign a true and faithful List of all Lunatics chargeable to the Parish or Union, in the Form in Schedule (D.) hereunto annexed, and shall on or before the First Day of *February* next succeeding lay one Copy of such List before the Visitors of the Asylum of the County in which such Union or Parish is situate, and shall transmit one Copy of such List to the Clerk of the Peace of the County or the Clerk of the Justices of the Borough within which the Parish to which each such Lunatic is chargeable is situated, to be by him laid before the Justices acting for such County at their next General or Quarter Sessions, or before the Justices of the Borough, another Copy of such List to the Commissioners in Lunacy, and another Copy thereof to the Poor Law Commissioners; and so much of the Act passed in the Sixth Year of the Reign of Her present Majesty Queen *Victoria*, continuing the Poor Law Commission, as requires the Clerk to every Board of Guardians to make out a Return of such Lunatics as aforesaid on the Fifteenth Day of *August* in every Year shall, from the passing of this Act, be repealed.

Medical Officer to give Notice of any chargeable Pauper deemed to be lunatic to Parish Officers, who are to have every Lunatic whom

XLVIII. And be it enacted, That the Medical Officer of every Parish and Union who shall have Knowledge that any Person chargeable to such Parish, or to any Parish within such Union, is or is deemed to be lunatic, shall within Three Days after obtaining such Knowledge give Notice thereof in Writing to the Overseers of the Poor of the Parish, if the Parish be not within an Union, and to the Relieving Officer of the Union if the Parish be within an Union; and every such Overseer and Relieving Officer who shall have Knowledge, either by such Notice or otherwise, that any Person chargeable to the Parish of such Overseer, or to any Parish within the Union of such

such Relieving Officer, is deemed to be lunatic, shall within Three Days after obtaining such Knowledge give Notice thereof to some Justice of the County or Borough within which such Parish is situate, and thereupon the said Justice shall by an Order under his Hand and Seal require the Overseer or Relieving Officer of the Parish or Union to bring such Person before him or some other Justice of the said County or Borough, at such Time and Place within Three Days from the Time of such Notice being given to such Justice as shall be appointed by the said Order; and the said Justice before whom such Person deemed to be a Lunatic shall be brought shall call to his Assistance a Physician, Surgeon, or Apothecary, and examine such Person; and if upon View or personal Examination of such Person, or from other Proof, such Justice shall be satisfied that such Person is lunatic, and such Physician, Surgeon, or Apothecary, not being the Medical Officer of such Union or Parish, shall sign a Certificate according to the Form in Schedule (E.) No. 1. to this Act annexed, that such Person is a Lunatic, Idiot, or Insane Person, or a Person of unsound Mind, such Justice shall, by an Order under his Hand according to the Form in the said Schedule (E.) No. 1. to this Act annexed, direct such Person to be received into the Asylum of the County or Borough in which such Parish is situate, or if there be no such Asylum, or such Asylum be full, then into some House duly licensed, or some Hospital registered for the Reception of Lunatics; and such Overseer or Relieving Officer shall immediately convey or cause the said Lunatic to be conveyed to such Asylum, House, or Hospital, and such Lunatic shall be received and confined therein: Provided always, that if any Person deemed to be lunatic cannot, on account of his Health or other Cause, be safely taken before any Justice, such Person may be examined at his own Abode or elsewhere by One Justice, or by an officiating Clergyman of the Parish in which he shall be resident, together with an Overseer of such Parish, or the Relieving Officer of the Union to which the same shall belong; and such Justice or such Clergyman, together with an Overseer or Relieving Officer, shall call to their Assistance a Physician, Surgeon, or Apothecary, and visit such Person deemed to be lunatic; and if upon View or personal Examination such Justice or Clergyman shall be satisfied that such Person is lunatic, and such Physician, Surgeon, or Apothecary shall sign a Certificate, according to the Form in the said Schedule (E.) No. 1., that such Person is a Lunatic, Idiot, Insane Person, or Person of unsound Mind, such Justice or such Clergyman, together with an Overseer or Relieving Officer, shall, by an Order under his or their Hand or Hands according to the Form in the said Schedule (E.) No. 1., direct such Person to be received into the Asylum for the County or Borough in which such Parish is situate, or if there be no such Asylum, or such Asylum be full, then into some House licensed or Hospital registered for the Reception of Lunatics, and such Overseer or Relieving Officer shall immediately convey or cause the said Lunatic to be conveyed to such Asylum, House, or Hospital, and such Lunatic shall be received and confined therein: Provided also, that if the Physician, Surgeon, or Apothecary by whom any such Person shall be examined shall certify in Writing that he is not in a fit State

they shall know of, by such Notice or otherwise, examined and sent to an Asylum.

to be removed, the Removal of such Person shall be suspended until the same or some other Physician, Surgeon, or Apothecary shall certify in Writing that such Person is fit to be removed; and every such Physician, Surgeon, and Apothecary is required to give such last-mentioned Certificate so soon as in his Judgment it ought to be given.

Provisions as to wandering Lunatics, and Lunatics not chargeable, and not under proper Care.

XLIX. And be it enacted, That every Overseer or Relieving Officer of a Parish or Union, who shall have Knowledge that any Person wandering within his District, Parish, or Union is deemed to be a Lunatic, such Overseer or Relieving Officer shall immediately apprehend or take or cause such Person to be apprehended and taken before a Justice; and every Overseer or Relieving Officer who shall have Knowledge that any Person within his District, Parish, or Union, not being chargeable to any Parish, is deemed to be a Lunatic, and is under the Care of a Relative or other Person who neglects or cruelly treats him, so that he is not properly taken care of, such Overseer or Relieving Officer shall, within Three Days after obtaining such Knowledge as last aforesaid, give Notice thereof to some Justice of the County or Borough within which such District, Parish, or Union is situate; and thereupon the said Justice shall, if he shall think fit, in case such Notice shall be given in Writing, and upon the Oath of the Person giving the same, by an Order under his Hand and Seal require the Overseer or Relieving Officer of such District, Parish, or Union to bring such Person before him and some other Justice of the same County or Borough, at such Time and Place, within Three Days from the Time of such Notice being given to such Justice, as shall be appointed by the said Order; and such Justice before whom such wandering Lunatic, or such Two Justices before whom such Lunatic not being chargeable, shall be taken, shall call to his or their Assistance a Physician, Surgeon, or Apothecary, and one of the Overseers or the Relieving Officer of the Parish or Union in which such Person has been apprehended or taken, and shall examine such Person; and if upon View or personal Examination of such Person, or from other Proof, the said Justice or Justices shall be satisfied that such Person is lunatic, and if not so chargeable as aforesaid has been neglected or cruelly treated by the Relatives or other Person under whose Care he is, and if such Physician, Surgeon, or Apothecary shall sign a Certificate, according to the Form in the said Schedule (E.) No. 1. to this Act annexed, that such Person is a Lunatic, Idiot, Insane Person, or Person of unsound Mind, such Justice or Justices shall, if he or they think fit, by an Order under his or their Hand or Hands according to the Form in the said Schedule (E.) No. 1. to this Act annexed, direct such Person to be received into the Asylum of the County or Borough within which such Person shall have been apprehended or taken, or if there be no such Asylum, or such Asylum be full, then into some licensed House or registered Hospital; and such Overseer or Relieving Officer shall immediately convey or cause such Lunatic to be conveyed to such Asylum, House, or Hospital, and such Lunatic shall be received and confined therein: Provided always, that if any such Person as last aforesaid deemed to be lunatic cannot, on account of his Health or other Cause, be safely brought before any

Justice or Justices as aforesaid, such Person may be examined at his own Abode or elsewhere by One Justice in the Case of a wandering Lunatic, and by Two Justices in the Case of a Lunatic not being chargeable; and such Justice or Two Justices shall call to his or their Assistance a Physician, Surgeon, or Apothecary, and visit such Person deemed to be lunatic; and if upon View or personal Examination such Justice or Justices shall be satisfied that such Person is lunatic, and if not so chargeable as aforesaid has been neglected or cruelly treated by the Relatives or other Person under whose Care he is, and if such Physician, Surgeon, or Apothecary shall sign a Certificate, according to the Form in the said Schedule (E.) No. 1., that such Person is a Lunatic, Idiot, Insane Person, or Person of unsound Mind, such Justice or Justices shall, by an Order under his or their Hand or Hands according to the Form in the said Schedule (E.) No. 1., direct such Person to be received into the Asylum for the County or Borough in which such Parish is situate, or if there be no such Asylum, or such Asylum be full, then into some licensed House or Hospital registered for the Reception of Lunatics; and such Overseer or Relieving Overseer shall immediately convey or cause the said Lunatic to be conveyed to such Asylum, House, or Hospital, and such Lunatic shall be received and confined therein; and the Justice or Justices by whose Order such Lunatic shall be sent to an Asylum, or any Two Visiting Justices of the Asylum to which he shall be sent, shall make an Order upon the Treasurer of the Guardians of the Union in which the Parish shall be situate from which he shall have been taken, or upon the Overseer or Overseers of the Parish from which he shall have been taken, for the Charges of the Examination, Removal, Lodging, Maintenance, Clothing, Medicine, and Care of such Lunatic, and in case it shall afterwards appear that such Lunatic is chargeable to any other Parish, then upon the Treasurer of the Guardians of the Union in which such other Parish is situate, or upon the Overseers of such other Parish: Provided also, that if the Physician, Surgeon, or Apothecary by whom any such Person shall be examined shall certify in Writing that he is not in a fit State to be removed, the Removal of such Person shall be suspended until the same or some other Physician, Surgeon, or Apothecary shall certify in Writing that such Person is fit to be removed; and every such Physician, Surgeon, and Apothecary is hereby required to give such last-mentioned Certificate as soon as in his Judgment it ought to be given: Provided always, that if it shall appear to the said Justice or Justices, or any Two Visiting Justices of the Asylum in which any such Lunatic is confined, that such Lunatic hath an Estate applicable to his Maintenance, and more than sufficient to maintain his Family, if any, it shall be lawful for such Justice or Justices, if they or he shall think fit, to make an Application in Writing under his or their Hand and Seal or Hands and Seals to the nearest Relative or Friend of such Lunatic, for the Payment of the Costs of the Removal, Examination, and Maintenance of such Lunatic; and in case such Costs shall not be paid within Six Months after such Application, it shall be lawful for such Justice or Justices, if he or they shall think fit, by an Order under his or their Hand and Seal or Hands and Seals, to direct the Overseers of any Parish where any Goods, Chattels, Lands, or Tenements of such Lunatic

Lunatic shall be, to seize and sell so much of the Goods and Chattels or take and receive so much of the Rents or Profits of the Lands and Tenements of such Lunatic as may be necessary to pay the Charges of the Removal, Lodging, Maintenance, Clothing, Medicine, and Care of such Lunatic, accounting for the same to such Justice or Justices, such Charges having been first proved to the Satisfaction of such Justice or Justices, and the Amount set forth in such Order; and if any Trustee or other Person having the Possession, Custody, or Charge of any Property of such Lunatic, or if the Governor and Company of the Bank of *England*, or any other Person or Persons having in his or their Hands any Stock, Interest, Dividend, or Annuity belonging or due to such Lunatic, shall, upon the Production of the Order of such Justice or Justices, pay the whole or any Part thereof to any Overseer or Relieving Officer, to defray the Charges set forth in such Order, the Receipt of such Overseer or Relieving Officer shall be a good Discharge to such Trustee, Governor, and Company, or other Person as aforesaid: Provided always, that nothing herein contained shall be construed to extend to restrain or prevent any Relation or Friend from retaining or taking such Lunatic under his own Care, if such Relation or Friend shall satisfy the Justice or Justices before whom such Lunatic shall be brought, or the Visitors of the Asylum in which such Lunatic is or is intended to be confined, that such Lunatic will be properly taken care of.

Penalties on Medical Officers, Overseers, &c., omitting to give Notice as aforesaid.

L. And be it enacted, That if any Medical Officer of any Union or Parish as aforesaid shall omit, for more than Three Days after obtaining Knowledge of any chargeable Pauper being deemed to be lunatic as aforesaid, to give such Notice thereof as is herein-before required, or if any Overseer or Relieving Officer as aforesaid small omit, for more than Three Days after obtaining Knowledge of any chargeable Pauper or other Person not chargeable being deemed to be lunatic as aforesaid, to give Notice thereof to a Justice as aforesaid, or if any Constable, Overseer, or Relieving Officer shall omit to apprehend and take such wandering Person deemed to be lunatic as aforesaid, such Medical Officer, Overseer, Relieving Officer, or Constable, as the Case may be, shall for every such Offence forfeit the Sum of Ten Pounds.

No Paupers to be received into any Asylum without a certain Order and Certificate.

LI. And be it enacted, That no Pauper or other such Person as is herein-before mentioned shall be received into any Asylum, registered Hospital, or licensed House, without an Order and Statement, according to the Form and stating the Particulars required in the said Schedule (E.) No. 1., under the Hands of One Justice, or an officiating Clergyman, with One of the Overseers or the Relieving Officer of the Parish or Union for which such Pauper or other Person shall be sent as aforesaid, nor without a Medical Certificate according to the Form in the said Schedule (E.) No. 1., signed by One Physician, Surgeon, or Apothecary, and dated not more than Seven clear Days previous to the Reception of such Patient; and every Person who shall receive any Pauper or other such Person as is herein-before mentioned into any Asylum without such Order and Medical Certificate shall be deemed guilty of a Misdemeanor.

LII. And

LII. And be it enacted, That no Person other than a Pauper, or such other Person as is herein-before mentioned, shall be received into any Asylum without an Order under the Hand of some Person, according to the Form and containing the Particulars required in Schedule (E.) No. 2., to this Act annexed, nor without the Medical Certificate, according to the Form and containing the Particulars required in Schedule (E.) No. 2. annexed to this Act, of Two Persons, each of whom shall be a Physician, Surgeon, or Apothecary, and who shall not be in Partnership, and each of whom shall separately from the other have personally examined the Person to whom it relates, not more than Seven clear Days previously to the Reception of such Person into such Asylum, and shall have signed and dated the same on the Day on which such Person shall have been so examined; and every Person who shall receive or detain any Person not a Pauper in any Asylum without such Order and Medical Certificate as aforesaid shall be guilty of a Misdemeanor: Provided always, nevertheless, that any Person (not a Pauper or such other Pe son as herein-before is mentioned) may under special Circumstances be received into any Asylum, upon the Certificate of One Physician, Surgeon, or Apothecary alone, provided that such Order state the special Circumstances which have prevented the Person from being examined by Two Medical Practitioners; but in every such Case such Certificate shall be further signed by some other Physician, Surgeon, or Apothecary, within Three Days after the Reception of such Patient into such Asylum; and every Person who, having received any Person into any Asylum as aforesaid, upon the Certificate of One Medical Practitioner alone, as aforesaid, shall keep or permit such Person to remain in such Asylum beyond the said Period of Three Days, without such Certificate having been further signed as aforesaid, shall be guilty of a Misdemeanor.

No Person, not being a Pauper, to be received into an Asylum without an Order and Two Medical Certificates.

LIII. And be it enacted, That any Physician, Surgeon, or Apothecary who shall knowingly sign any such Medical Certificate as aforesaid which shall untruly state any of the Particulars required by this Act shall be guilty of a Misdemeanor; and that no Certificate signed by any Medical Officer of the Asylum into which the Lunatic is received shall be of any Avail, or be deemed to be in compliance with the aforesaid Provisions regarding such Certificate.

A Medical Practitioner signing untrue Certificate guilty of a Misdemeanor.

LIV. And be it enacted, That every such Order by a Justice, or Clergyman, and Overseer or Relieving Officer, as aforesaid, for the Reception of a Lunatic into an Asylum, shall extend to his Admission not only into the principal Lunatic Asylum of the County or Borough, Counties or Boroughs, but also into any other Asylum for the Reception of Pauper Lunatics of such County or Borough, and also to any Asylum for any other County or Borough, or any House licensed or Hospital registered for the Reception of Lunatics: Provided always, that every Lunatic shall under every such Order as last aforesaid be taken, in the first place, to the principal Asylum of the County or Borough in which the Parish or Place from which he is sent shall be situate, and shall there be kept, unless there be no such Asylum, or there is a Deficiency of Room in such principal Asylum, or unless there shall be some special Circumstances whereby such

Every Pauper to be in the first place taken to the principal Asylum of the County or Borough, if Circumstances admit.

Pauper cannot conveniently be taken in the first place to such principal Asylum, which Deficiency of Room or special Circumstance shall be stated in Writing upon the Order for the Reception of such Lunatic into any Asylum, registered Hospital, or House other than the principal Asylum aforesaid; and that no such Lunatic shall be sent to or detained in any registered Hospital or House licensed for the Reception of Lunatics, except there shall be no Asylum, or no Asylum in which he can be received, or there shall be some special Circumstances whereby he cannot be taken thereto, which shall be stated in like Manner as aforesaid; and it shall be lawful for any Two Visiting Justices of any Asylum, by an Order in Writing under their Hands and Seals, to direct any Overseer or Relieving or other Officer of any Parish, Union, County, or Borough contributing to any Asylum to remove any Pauper Lunatic chargeable to such Parish, Union, County, or Borough now or at any Time hereafter being in any registered Hospital, or House licensed for the Reception of Lunatics, therefrom, to an Asylum subject to the Regulations of this Act; and such Lunatic shall be removed at the Expence of such Parish, Union, County, or Borough accordingly; and every such Overseer or Relieving or other Officer as aforesaid who shall for the Space of Fourteen Days after the Date of any such Order neglect or refuse to remove any Lunatic according to such Order, and every Officer or Proprietor of any registered Hospital or licensed House who shall refuse to permit any such Removal, shall forfeit for every such Offence any Sum not more than Twenty nor less than Two Pounds.

Every Pauper Lunatic, not being in an Asylum or House licensed for the Purpose, shall be visited Once in every Three Months by a Medical Man, and returned in a List to the Clerk of the Peace and the Commissioners in Lunacy.

LV. And be it enacted, That every Pauper Lunatic chargeable to any Parish who shall not be in an Asylum or a registered Hospital, or a House duly licensed for the Reception of Pauper Lunatics, shall be visited once in every Three Months by the Medical Officer of the Parish or Union to which such Lunatic shall belong; and a List of all such Lunatics shall be sent once in every Three Months by such Medical Officer to the Clerk of the Peace of the County or Borough to which such Lunatic shall belong, or in which he shall be resident, to be by him laid before the Justices acting for such County at their next General or Quarter Sessions, or before the Justices of such Borough, and to the Visitors of the Asylum for the County in which such Parish or Union shall be situate, and to the Commissioners in Lunacy, according to the Form in Schedule (F.) to this Act annexed; and the said List shall state whether any such Lunatic is or is not, in the Opinion of such Medical Officer, fit to be at large and is properly taken care of; and such List of such Lunatics shall be prepared and signed by the Medical Officer required to make the same: Provided nevertheless, that after an Asylum shall be established for any County or Borough under the Provisions of this Act no Pauper who shall have lately become lunatic (whether such Pauper shall or shall not have been previously confined in an Asylum) shall be received, lodged, or detained in any House or Place other than a County or Borough Lunatic Asylum, or a public Hospital, or a House duly licensed for the Reception of Pauper Lunatics, for a longer Period than shall be requisite for obtaining an Order for the Removal of such Lunatic to such Asylum; and if any Medical

Officer shall return any such Pauper in any such List as fit to be at large, or shall knowingly sign any such List, untruly setting forth any of the Particulars required by this Act, he shall for every such Offence forfeit any Sum not less than Ten and not exceeding Fifty Pounds.

Power to Visitors to remove Paupers to an Hospital for chronic Lunatics, and to provide further Room, if necessary, for curable Lunatics.

LVI. And be it enacted, That with a view to make Room in the principal Lunatic Asylum for any County or Borough, Counties or Boroughs, for Patients deemed capable of Cure, it shall be lawful for any Three of the Visitors thereof, by Writing under their Hands and Seals, from Time to Time to cause to be removed from such principal Asylum to some other Asylum, registered Hospital, or licensed House any Pauper Lunatic who shall have been returned in the Lists herein-before required to be made by the Medical Officer of such principal Asylum as a proper Patient to be removed to an Asylum for chronic Lunatics, and also at any Time in like Manner to send to the principal Asylum any Pauper Lunatic who shall be confined in the Asylum for chronic Lunatics, or in some Hospital or licensed House; and in case at any Time there shall not be in the principal Asylum of any County or Borough, Counties or Boroughs, any Pauper Lunatic who shall have been returned in such Lists, the Medical Officer of such Asylum shall, by Writing under his Hand, report such Fact to the Justices of the County or Borough, Counties or Boroughs to which such Asylum shall solely or jointly belong, and to the Commissioners in Lunacy, who shall thereupon report the same to One of Her Majesty's Principal Secretaries of State; and it shall also be lawful for the Commissioners in Lunacy, or any Two of them, by Writing under their Hands and Seals, to direct that any Lunatic, and whether returned in such Lists as last aforesaid or not, shall be removed from the principal Asylum to an Asylum for chronic Lunatics, or Hospital or licensed House, or from an Asylum for chronic Lunatics, or Hospital or licensed House, to the principal Asylum, and every such Lunatic shall be removed accordingly by the Visiting Justices of every such Asylum, and no further Certificate shall be necessary for any such Removal.

Every Pauper Lunatic to be deemed to be settled in the Parish from which he shall have been sent till he be adjudged to be settled in some other Parish.

LVII. And be it enacted, That when any Pauper Lunatic shall be confined under the Provisions of this Act he shall, for the Purposes of this Act, be deemed to belong to and continue chargeable to the Parish from which, or at the Instance of some Officer or Officiating Clergyman of which, he shall have been sent, until such Parish shall in due Course of Law, as in the Case of any other Pauper, have established that such Lunatic is settled in some other Parish, or that it cannot be ascertained in what Parish such Lunatic is settled, and that every Pauper Lunatic who is chargeable to any Parish shall, whilst he shall reside in an Asylum, be deemed, for the Purposes of his Settlement, to be residing in the Parish to which he is chargeable.

Two Justices may inquire into and adjudge the Settlement of a Lunatic.

LVIII. And be it enacted, That it shall be lawful for any Two Justices for the County or Borough in which any Asylum, registered Hospital, or licensed House is situate, or to which such Asylum shall wholly or in part belong, or from any Part of which any Pauper Lunatic

Lunatic shall have been sent, at any Time to inquire into the last legal Settlement of any Pauper Lunatic confined or ordered to be confined therein; and if satisfactory Evidence can be obtained as to such Settlement in any Parish, Township, or Place, such Justices shall, by Order under their Hands and Seals, adjudge such Settlement accordingly.

Mode of determining that a Pauper Lunatic is chargeable to a County.

LIX. And be it enacted, That if any Pauper Lunatic shall not be settled in the Parish by which, or at the Instance of some Officiating Clergyman or Officer of which, he shall be sent to any Asylum, registered Hospital, or licensed House, and it cannot be ascertained in what Parish such Pauper Lunatic is settled, the Relieving Officer of the Union in which such first-mentioned Parish is situate, or the Overseers of such first-mentioned Parish, shall give Notice to the Clerk of the Peace of the County in which such Lunatic was found to appear for such County before Two Justices thereof, at a Time and Place to be appointed in such Notice; and such Two Justices, or any Two or more Justices of such County, may then and there, upon the Appearance of such Clerk of the Peace, or any one on his behalf, or in case of his Nonappearance, upon Proof of his having been served with such Notice, inquire into the Circumstances of the Case, and unless the contrary be shown shall adjudge such Pauper Lunatic to be chargeable to such County: Provided always, that it shall be lawful for such Two Justices to direct such Inquiry to be made to ascertain the Parish in which any Pauper is settled, as they shall think fit, and to delay adjudging a Pauper to be chargeable to any County until such further Inquiry shall have been made; and provided also, that every County to which any Pauper Lunatic shall be adjudged to be chargeable as aforesaid may at any Time thereafter inquire as to the Parish in which such Lunatic is settled, and may procure such Lunatic to be adjudged to be settled in any Parish.

In Cases of Inquiries and Appeals, Guardians and Officers interested to to have access to the Lunatic.

LX. And be it enacted, That in every Case of an Inquiry, Investigation, Dispute, or Appeal as to the Parish in which a Pauper Lunatic is settled, the Guardians, Clerks of the Guardians, Relieving Officers, and Overseers of every Union including any Parish, or of any Parish which Parish respectively is interested in such Inquiry, Investigation, Dispute, or Appeal, and every Person duly authorized by them respectively, and the Clerk of the Peace of any County interested in such Inquiry, Investigation, Dispute, or Appeal, and every Person duly authorized by such Clerk of the Peace, shall at all reasonable Times be allowed free Access in the Presence of the Medical Attendant to the Lunatic to examine him as to the Premises.

Justices to make an Order upon the Officers of Unions and Parishes for Maintenance of Lunatics.

LXI. And be it enacted, That it shall be lawful for the Justice or Justices by whom any Lunatic shall be sent to an Asylum, registered Hospital, or licensed House, under the Powers of this Act, or for any Two Justices being Visitors of any Asylum to which a Lunatic shall be sent or removed, to make an Order upon the Treasurer of the Guardians or other Officer of the Union or Parish, or the Overseers of the Parish from which, or at the Instance of any Officer or Clergyman of which, such Lunatic shall have been sent or removed,

removed, for Payment to the Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House of the reasonable Charges of the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic in such Asylum, Hospital, or House; and every Treasurer of the Guardians or Overseer on whom such Order shall be made shall, out of any Monies which may come into his Hands by virtue of his Office, from Time to Time pay to the said Treasurer, Officer, or Proprietor the Charges aforesaid.

If Lunatic adjudged to belong to some other Parish, Justices to make Orders upon such other Parish, or the Union to which it belongs, for his Maintenance.

LXII. And be it enacted, That if, after any Lunatic shall have been sent to an Asylum, registered Hospital, or licensed House, it shall be adjudged that such Lunatic is settled in a Parish different from the Parish from which, or at the Instance of some Clergyman or Officer of which, he was sent to such Asylum, Hospital, or House, then and in such Case it shall be lawful for any Two Justices of the County from any Part of which any Lunatic shall have been sent, or for any Two Justices, Members of the Committee of Visitors of such Asylum, to make an Order or Orders upon the Treasurer of the Guardians of the Union, including any Parish, or of any Parish or the Overseers of the Parish in which such Lunatic shall be so adjudged to be settled, for Payment to the Treasurer of the Guardians or Overseers of the first-mentioned Union or Parish of all Expenses incurred by or on behalf of such Union or Parish in or about the Examination of such Lunatic, and his Conveyance to the Asylum, Hospital, or House, and of all Monies paid by the Treasurer of the Guardians, or the Overseers of such first-mentioned Union or Parish, to the Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House for the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic, and incurred within Twelve Calendar Months previous to the Date of such Order, and also for Payment to the Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House, of the reasonable Charges of the future Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic; and every Treasurer of the Guardians or Overseer on whom any such last-mentioned Order shall be made shall, out of any Money which may come into his Hands by virtue of his Office, immediately pay to the Treasurer of the Guardians or Overseers of such first-mentioned Union or Parish the Amount of the Expences and Monies by such Order directed to be paid to him or them, and from Time to Time pay to the said Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House the future Charges aforesaid: Provided always, that the Guardians of any Union or Parish, or the Overseers of any Parish, Township, or Place, affected by such Order, may appeal against the same in like Manner as if the same were a Warrant of Removal; and in case of such Appeal the Guardians of the Union or Parish, or the Overseers of the Parish, Township, or Place, or the Clerk of the Peace of the County to which such Lunatic was chargeable before such Order was made, may defend such Appeal, and the Persons appealing or intending to appeal, and the Persons defending such Appeal, shall have all the same Powers, Rights, and Privileges, and be subject to the same Obligations, in

all respects as in the Case of an Appeal against a Warrant of Removal.

If it is ascertained that a Lunatic is chargeable to a County, the Justices to make Order upon the Treasurer of such County for his Maintenance.

LXIII. And be it enacted, That if, either before or after any Lunatic shall have been sent to an Asylum, registered Hospital, or licensed House, it shall be ascertained or adjudged in due Course of Law that such Lunatic is chargeable to a County, it shall be lawful for any Two Justices, Members of the Committee of Visitors of such Asylum, or any Two Justices of the County in which such Asylum, registered Hospital, or licensed House is situate to make an Order or Orders upon the Treasurer of such County so chargeable as aforesaid for Payment to the Treasurer of the Guardians or Overseers of any Union or Parish of all Expences incurred by or on behalf of such Union or Parish in or about the Examination of such Lunatic, and his Conveyance to the Asylum, registered Hospital, or licensed House, and of all Monies paid by the Treasurer of the Guardians or Overseers of such Union or Parish to the Treasurer or an Officer or Proprietor of the Asylum, registered Hospital, or licensed House, for the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic, and incurred within Twelve Calendar Months previous to the Date of such Order, and also for Payment to the Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House of the reasonable Charges of the future Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic; and every such Treasurer of a County on whom any such Order shall be made shall, out of any Monies which may come into his Hands by virtue of his Office, immediately pay to the Treasurer of the Guardians or the Overseers of such Union or Parish the Amount of the Expences and Monies by such Order directed to be paid to him or them, and from Time to Time pay to the said Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House the future Charges aforesaid.

Provision for the Reimbursement to a County of Monies paid on account of a Lunatic afterwards adjudged to belong to any Parish.

LXIV. And be it enacted, That if after any Lunatic shall have been sent to an Asylum, registered Hospital, or licensed House as aforesaid, and shall have been adjudged in due Course of Law to be chargeable to a County, such County shall afterwards procure in due Course of Law such Lunatic to be adjudged to be settled in any Parish, it shall be lawful for any Two Justices, Members of the Committee of Visitors of such Asylum, or any Two Justices of the County in which such Asylum, registered Hospital, or licensed House is situate, to make an Order upon the Treasurer of the Guardians of the Union, including any Parish, or of any Parish, or the Overseers of any Parish, for Payment to the Treasurer of the said County of all Expences and Monies paid by such last-mentioned Treasurer as herein-before is provided, and incurred within Twelve Calendar Months previous to such Order, and also for Payment to the Treasurer or Officer or Proprietor of the Asylum, registered Hospital, or licensed House of the reasonable Charges of the future Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic; and every such Treasurer of the Guardians or Overseer on whom any such Order shall be made shall, out of any Monies which may come into his Hands by virtue of his Office,

immediately pay to the Treasurer of such County the Amount of the Expences and Monies by such Order directed to be paid to him, and from Time to Time pay to the said Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House the future Charges aforesaid.

Visitors may discharge a Lunatic on the Undertaking of a Relative or Friend that he shall be no longer chargeable, and shall be taken care of.

LXV. And be it enacted, That in any Case where Application shall be made to the Committee of Visitors of any Asylum by any Relative or Friend of a Pauper Lunatic confined therein, requiring that he may be delivered over to the Custody and Care of such Relative or Friend, it shall be lawful for any Three Members of the Committee of Visitors aforesaid, if they shall think fit, and upon the Undertaking in Writing of such Relative or Friend to the Satisfaction of such Visitors that such Lunatic shall be no longer chargeable to any Union, Parish, County, or Borough, and shall be properly taken care of, and shall be prevented from doing Injury to himself or others, to discharge such Lunatic.

Justices to make Orders out of their respective Jurisdictions.

LXVI. And be it enacted, That it shall be lawful for any Justices, being Members of the Committee of Visitors of any Asylum, to make any such Order as aforesaid upon the Treasurer of the Guardians or Overseer of any Union or Parish, although such Union or Parish may not be within the Jurisdiction of such Justices, and that any such Justices may make any such Order as aforesaid upon the Treasurer of any County or Borough, although such Justices shall not have Jurisdiction therein.

Persons aggrieved by an Order or Refusal may appeal to the Sessions.

LXVII. And be it enacted, That if any Person shall feel aggrieved by any Refusal of an Order of any Justice or Justices as aforesaid, such Person may appeal to the Justices at the next General or Quarter Sessions of the Peace for the County or Borough where the Matter of Appeal shall have arisen, the Person so appealing having given to the Justice or Justices against whom such Appeal shall be made Fourteen Days Notice of the Intention to make such Appeal, and the said Justices at such Sessions are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and such Determination as they shall make shall be final and conclusive to all Intents and Purposes whatsoever.

Money ordered to be paid by any Clerk, Overseer, Relieving Officer, or Treasurer to be levied (in case of Neglect to pay) by Distress.

LXVIII. And be it enacted, That if any Treasurer of a Board of Guardians, or any Relieving Officer or Overseer, or any Treasurer of any County, upon whom any Order of Justices for the Payment of Money under the Provisions of this Act shall have been made, shall, for the Space of Twenty Days next after due Notice of such Order, refuse or neglect to pay the Money so ordered to be paid, the said Money, together with the Expences of recovering the same, shall be recovered by Distress and Sale of the Goods of the Treasurer, Overseer, or Relieving Officer so refusing or neglecting, or any of them, by Warrant under the Hands and Seals of any Two Justices hereby authorized to make the Order for Payment of the Money aforesaid, or by an Action at Law against such Treasurer, Overseer, or Relieving Officer; and in case of any Action no Objection shall be taken to any Default or Want of Form in any Order of Admission or Maintenance,

or

or in any Certificate or Adjudication under this Act, if such Order or Adjudication shall not have been appealed against, or if appealed against shall have been affirmed.

Power for Medical Persons, Guardians, and Overseers of Unions and Parishes to visit Pauper Patients of such Unions and Parishes confined in any Asylum.

LXIX. And be it enacted, That any Physician, Surgeon, or Apothecary to be appointed by the Guardians of any Union or Parish, or the Overseers of any Parish, and also the Guardians or any appointed Member of the Guardians of any Union or Parish, and also the Overseers of any Parish, shall be permitted, whenever they shall see fit, between the Hours of Eight in the Morning and Six in the Evening, to visit and examine any or every Pauper Lunatic belonging to such Union or Parish confined in any Asylum, registered Hospital, or licensed House: Provided always, that if the Medical Officer of any Asylum shall be of opinion that it will be injurious to any Lunatic to permit such Visit and Examination, and such Medical Officer shall state in Writing the Reasons why such Lunatic should not be visited and examined, and shall sign such Statement, and deliver the same to the Person or Persons so requiring to visit and examine such Lunatic, then and in such Case it shall be lawful for such Medical Officer to refuse such Visit and Examination.

When any Asylum can accommodate more than the Lunatics of the County or Borough, Visitors or Justices may order the Admission of other Lunatics.

LXX. And be it enacted, That whenever it shall appear to the Committee of Visitors of any Asylum that such Asylum is more than sufficient for the Accommodation of all the Pauper Lunatics of the County or Borough, Counties or Boroughs for which the same shall have been provided, the Committee of Visitors shall give Notice thereof by Advertisement in some Newspaper commonly circulated in such County or Borough, Counties or Boroughs, and it shall be lawful for such Visitors, and also for the Justices of a County or Counties in General or Quarter Sessions for such County or Counties, and the Justices of a Borough or Boroughs at a special Meeting or Meetings, (subject nevertheless and without Prejudice to any Agreement in that Behalf with any voluntary Subscribers,) to make an Order for the Admission of so many Pauper Lunatics of any other County or Borough as to them shall seem expedient, under the Conditions and Regulations following; (that is to say,) that no such Lunatic shall be admitted into such Asylum without an Order and One Certificate according to the Form in Schedule (E.) No. 1., and endorsed by a Visitor of the said Asylum, or a Justice of some County or Borough to which such Asylum solely or jointly belongs, nor without an Undertaking by the Minute of the Guardians or signed by Two of the Overseers of the Union or Parish to which such Lunatic shall belong for the due Payment of the weekly Allowance and other Expences attendant upon the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic during his Continuance in such Asylum, as well as for the Removal of such Lunatic from such Asylum within Three Days after due Notice given in Writing by the Superintendent of such Asylum: Provided always, that the Provision for the Maintenance of such Lunatics to be so admitted shall be fixed by the Visitors at such Rate as shall in their Judgment be sufficient to cover every Expence liable to be incurred on account of each such Lunatic, or at any higher Rate; but that so much of such Rate as shall exceed the Sum usually charged at such Asylum for the Maintenance

Maintenance of any Pauper Lunatic belonging to the County or Borough for which such Asylum shall be erected, or any Parish situate therein, shall be deemed to be and shall be leviable as any Monies hereby directed to be raised for erecting and providing an Asylum for any County or Borough.

Discharge and Removal of Lunatics from Asylums.

LXXI. And be it enacted, That it shall be lawful for any Three Members of the Committee of Visitors of any Asylum, by Writing under their Hands and Seals, to order the Removal or Discharge of any Person confined in any such Asylum, whether such Person shall be recovered or not, and also for any Three Members of the Committee of Visitors, by Writing under their Hands and Seals, by and with the Advice and Consent in Writing of the Medical Officer of such Asylum, to permit any Person who shall be confined in such Asylum, and shall be deemed convalescent, to be absent either wholly or partly from the Asylum, upon Trial, for such Period not exceeding One Month as such Visitors shall think fit, and to make such Allowance to such Person, not exceeding the Sum which he would cost if in the Asylum, which shall be and be deemed his Cost in the Asylum, and also, with the like Consent, to discharge therefrom any Person confined therein, whose Recovery may be certified by such Medical Officer; and every Person who shall have been sent to any Asylum as a Pauper Lunatic shall be safely kept therein until such Order for his Removal, Trial, or Discharge shall have been given as aforesaid; and if any Superintendent, Officer, or Servant in any Asylum shall, through wilful Neglect or Connivance, permit such Person in any Case to quit or escape from such Asylum, or be at large without such Order as aforesaid, he shall for every such Offence forfeit and pay any Sum not more than Twenty Pounds nor less than Two Pounds.

Penalty on Officers, &c. allowing them to escape, or be at large without Permission.

Expences of the Removal or Discharge of a Pauper.

LXXII. And be it enacted, That on the regular Discharge or Removal of any Pauper from any Asylum the necessary Expences attending the said Discharge or Removal of such Pauper shall be borne by the Union or Parish (if any) to which such Pauper shall then be deemed to belong, as herein-before is provided, or if such Pauper shall then be chargeable to a County as herein-before is provided, then by such County; and such Expences, being proved to the Satisfaction of and allowed by Two Justices for the County in which such Union, Parish, or Asylum shall be situate, or for the County to which such Pauper shall be chargeable, shall be paid by the Guardians or Overseers of such Union or Parish out of the Money raised therein for the Relief of the Poor, or by the Treasurer of such County out of the Rates of such County.

Every Clerk receiving a Lunatic into an Asylum to make an Entry thereof in a certain Form.

LXXIII. And be it enacted, That the Clerk of every Asylum shall, immediately on the Admission of any Person as a Lunatic into such Asylum, make an Entry with respect to such Lunatic in a Book to be kept for that Purpose, to be called "The Register of Patients," according to the Form and containing the Particulars specified in the Schedule (G.) No. 1. to this Act, except as to the Form of Disorder, the Entry as to which is to be supplied by the Medical Officer of the Asylum within One Month after the Admission of the

Copies of all Orders and Certificates of Admission, with an additional Medical Certificate, to be transmitted to the Commissioners in Lunacy.

Patient, and after the Second and before the End of the Seventh clear Day from the Day of the Admission of any Person as a Lunatic into any Asylum shall transmit to the Commissioners in Lunacy a Copy of the Order and Certificate or Certificates on which such Lunatic has been so received, together with a Statement to be made and signed by the Medical Officer of the Asylum, according to the Form in the said Schedule (E.) No. 3. to this Act annexed; and any Clerk omitting so to make such Entry, or to transmit such Copy and Statement, within the Time aforesaid, and every Medical Officer omitting to make or sign such Statement, shall for every such Offence forfeit the Sum of Twenty Pounds.

Weekly Medical Journal and Case Book to be kept in every Asylum.

LXXIV. And be it enacted, That in every Asylum the Medical Officer thereof shall once in every Week enter into a Book to be kept for that Purpose, to be called "The Medical Journal," a Statement according to the Form in the said Schedule (G.) No. 3., showing the Number, Sex, and State of Health of all the Patients then in such Asylum, the Christian and Surname of every Patient then under Restraint, Seclusion, or under Medical Treatment, the Condition of the Asylum, and every Death, Injury, and Violence which shall have happened to or affected any Patient since the then last preceding Entry, and shall also enter into a Book, to be called "The Case Book," as soon as may be after the Admission of any Patient, the mental State and bodily Condition of every Patient at the Time of his Admission, and also the History from Time to Time of his Case whilst he shall continue in the Asylum; and such Books shall from Time to Time be regularly laid before the Visitors, for their Inspection and Signature; and every Medical Officer omitting to make such Entries or any of them shall for every such Offence forfeit the Sum of Twenty Pounds.

In case of the Death of a Lunatic, the Cause of Death to be stated, and sent to the Clerk of the Peace and the Commissioners in Lunacy.

LXXV. And be it enacted, That in case of the Death of any Patient in any Asylum, a Notice and Statement, according to the Form in Schedule (E.) No. 4., of the Cause of the Death of such Patient, and the Name of any Person or Persons who were present at the Death, shall be drawn up and signed by the Clerk and Medical Officer of such Asylum, and a Copy thereof shall be by the Clerk transmitted to the Registrar of Deaths for the District, and to the Clerk of the Peace of the County or Borough, Counties or Boroughs, by which the Asylum is provided, and to the Commissioners in Lunacy, within Forty-eight Hours of the Death of such Patient, and also to the Relieving Officer or the Overseer of the Union or Parish or other Person who shall sign the Statement accompanying the Order for the Admission or Confinement of any Lunatic; and every Medical Officer or Superintendent who shall neglect or omit to draw up, sign, or transmit such Statement as aforesaid shall respectively forfeit and pay any Sum not more than Twenty Pounds nor less than Two Pounds.

Entries to be made of the Death, Discharge, or Removal

LXXVI. And be it enacted, That the Clerk of every Asylum shall, within Three clear Days after the Death, Discharge, or Removal of any Patient, make an Entry thereof in the said Register of Patients, according to the Form and containing the Particulars in the said

Schedule (G.) No. 2. to this Act; and every such Clerk who shall not, within such Three clear Days after the Death, Discharge, or Removal of every Lunatic as aforesaid, make such Entry as aforesaid, shall forfeit and pay any Sum not less than Two Pounds nor exceeding Ten Pounds; and every such Clerk who shall knowingly and wilfully in such Entry untruly set forth any of the Particulars required shall be guilty of a Misdemeanor. of every Lunatic.

LXXVII. And be it enacted, That if any Superintendent, Officer, Nurse, Attendant, Servant, or other Person employed in any Asylum, under the Regulations of this Act, shall in any way abuse, ill-treat, or wilfully neglect any Lunatic confined therein, he shall be deemed guilty of a Misdemeanor. Penalty on Officers or Servants ill-treating Lunatics.

LXXVIII. And be it enacted, That every Complaint and Information of and for Offences against this Act, where any pecuniary Penalty is hereby imposed, may be made before One Justice; and such Justice may summon the Person complained of to appear at a Time and Place to be named in such Summons; and if he shall not appear accordingly, and upon Proof of the due Service of the Summons (either personally or by leaving the same at his last or usual Place of Abode), any Two Justices may issue their Warrant for apprehending such Person, and bringing him before any Two Justices; and any Two Justices shall and may, upon the appearing of such Person pursuant to such Summons, or upon such Person being apprehended with such Warrant, hear the Matter of every such Complaint and Information, by Examination of any Witnesses upon Oath, and make such Determination thereon as such Justices shall think proper; and upon Conviction of any Person such Justices may, if they shall think fit, reduce the Amount of the Penalty by this Act imposed for such Offence to any Sum not less than One Fourth of the Amount thereof, except where otherwise provided, and shall and may issue a Warrant under their Hands and Seals for levying such Penalty or reduced Penalty, and all Costs and Charges of such Summons, Warrant, Hearing, and all incidental Costs and Charges, by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall be lawful for any such Two Justices to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give Security to the Satisfaction of such Justices, by way of Recognizance or otherwise, for his Appearance before such Justices on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking any such Security; but if upon the Return of such Warrant of Distress it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, and such Costs and Charges as aforesaid, and the same shall not be forthwith paid, or if it shall appear to the Satisfaction of such Justices, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereupon such Penalty, Costs, and Charges may be levied, such Justices shall and may, by Warrant under their Hands and Seals, commit such Offender to the Common Gaol or House of Correction for any Term not Recovery of Penalties, and Application thereof.

not exceeding Three Calendar Months, unless such Penalty, and all such Costs and Charges as aforesaid, shall be sooner paid; and all such Penalties, when recovered, shall be paid into the Hands of the Treasurer of the Asylum for the County or Borough, or the united Counties or Boroughs, where the Offence shall be committed, or to the Secretary of the Commissioners in Lunacy, whichever shall prosecute for such Offence, and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty, and all Costs and Charges as aforesaid, shall be paid to the Owner of the Goods and Chattels so distrained.

Form of Conviction before Justices.

LXXIX. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act for which a pecuniary Penalty is imposed may cause the Conviction to be drawn up in the following Form, or in any other Form to the same Effect, as the Case may require, and that no Conviction under this Act shall be void through Want of Form:

'BE it remembered, That on the Day of in the Year of our Lord at in the County [*or* Borough] of *A.B.* was convicted before us of Her Majesty's Justices of the Peace for the said County [*or* Borough], for that he the said did ; and we the said adjudge the said for his Offence to pay the Sum of Pounds.'

Power of Appeal to the Quarter Sessions.

LXXX. Provided always, and be it enacted, That any Person who shall think himself aggrieved by any Order or Determination of any Justices under this Act, other than Orders adjudicating as to the Settlement of any Lunatic Pauper, and providing for his Maintenance, may, within Four Calendar Months after such Order or Determination made or given, appeal to the Justices at General or Quarter Sessions, the Person appealing having first given at least Fourteen clear Days Notice in Writing of such Appeal, and the Nature and Matter thereof, to the Person appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices at General or Quarter Sessions, upon Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Appeal, or, if they think proper, adjourn the Hearing thereof until the next General or Quarter Sessions, and, if they see Cause, may reduce any Penalty or Forfeiture to not less than One Fourth of the Amount imposed by this Act, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices at General or Quarter Sessions shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

LXXXI. And

LXXXI. And be it enacted, That every City, Town, Liberty, Parish, Place, or District, not being a Borough or Part of a Borough within the Meaning of this Act, shall for all the Purposes of this Act be annexed to and be treated and rated as Part of the County within which the same is situate, or if such City, Town, Liberty, Parish, Place, or District be situate partly in one County and partly in another, then to and as such one of the same Counties as One of Her Majesty's Principal Secretaries of State shall, by Writing under his Hand and Seal, direct, and shall contribute rateably to the Expences of the Asylum of the County to which it is or shall be so annexed, whether such Asylum has been provided before or shall be provided after the passing of this Act, and shall for the Purposes of this Act be within the Jurisdiction of the Justices of such County; and in every Case in which any such City, Town, Liberty, Parish, Place, or District as aforesaid shall be annexed to a County in which an Asylum has been already erected or provided, the present or any future Committee of Visitors of such Asylum shall, as soon as conveniently may be after the passing of this Act, or after such Annexation shall be made, fix a Sum to be paid by the City, Town, Liberty, Parish, Place, or District which is or shall be so annexed towards the Expences then already incurred in erecting or providing such Asylum in due Proportion to the Population of such City, Town, Liberty, Parish, Place, or District, and of the County to which it shall be annexed, according to the last Returns under the Authority of Parliament, and the same shall be paid by every such City, Town, Liberty, Parish, Place, or District, to the Treasurer of such Asylum, and shall be levied and raised by such City, Town, Liberty, Parish, Place, or District by a Rate to be made therein, in the same Manner as any Rate to be made therein for the Purpose of levying or raising any other Monies hereby directed to be levied and raised for the Purposes of this Act; and the Justices for the County to which such City, Town, Liberty, Parish, Place, or District is or shall be annexed as aforesaid, in General or Quarter Sessions, are hereby authorized and required to make such Rate as aforesaid; and the Sum so paid by such City, Town, Liberty, Parish, Place, or District shall be applied by the Treasurer of the Asylum to whom the same shall have been paid in such Manner as the Committee of Visitors shall direct, according to the Provisions and for carrying into Execution the Purposes of this Act.

Every City, Town, Liberty, &c., not being a Borough within the Meaning of this Act, to be annexed to and rated as Part of the County within which the same is situate.

LXXXII. And be it enacted, That the Council of every Borough which shall, by Writing under their Common Seal, give Notice to Her Majesty's Principal Secretary of State for the Home Department of the Intention of such Council to take upon itself the Duties, Powers, and Authorities herein-before imposed or conferred upon or given to the Justices of the Borough, shall from thenceforth be subject to, and have and exercise all the Duties, Powers, and Authorities of and for erecting and providing Asylums, and carrying into execution the Purposes of this Act, which by this Act are imposed or conferred upon or given to the Justices of such Borough, or upon any Committee of Visitors to be appointed as directed by this Act, and all Matters and Things which in this Act are required to be done at any General or Quarter Sessions may and shall thenceforth be done at

Council of every Borough to exercise the same Duties, &c. of erecting Asylums as are conferred upon Justices, &c.

any Meeting of the Council of such Borough; and all Notices which by this Act are required to be given to or by the Clerk of the Peace shall and may thenceforth be given to or by the Town Clerk of such Borough.

Committee appointed by Council to have same Powers as Committee of Visitors.

LXXXIII. And be it enacted, That it shall and may be lawful for the Council of any such Borough to confer upon any Committee to be appointed by such Council such of the Powers and Authorities which by this Act are conferred upon any Committee of Visitors to be appointed thereunder as to such Council shall seem fit.

Interpretation of Act.

LXXXIV. And be it enacted, That in this Act the Words and Expressions following shall have the several Meanings hereby assigned to them, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

"Borough" shall mean every Borough, Town, and City Corporate having a Quarter Sessions, Recorder, and Clerk of the Peace:

"County" shall mean every County, Riding and Division of a County, County of a City, County of a Town, and shall include every City, Town, Parish, Place, or District by this Act annexed to a County for the Purposes hereof:

"Lunatic" shall mean every Insane Person, and every Person being an Idiot or Lunatic, or of unsound Mind:

"Pauper" shall mean every Person maintained wholly or in part by or chargeable to any Parish, Union, County, or Borough, or sent to any Asylum, licensed House, or registered Hospital by any Justice or Officiating Clergyman and Overseer or Relieving Officer:

"Justice" shall mean Justice of the Peace:

"Overseer" shall mean Overseer of the Poor of any Parish, or any Person acting as such:

"Relieving Officer" and "Clerk of the Guardians" shall respectively mean such Relieving Officer and Clerk of the Guardians, and any Persons acting as such respectively:

"Parish" shall mean any Parish, Township, Vill, Tithing, extra-parochial Place, or Place maintaining its own Poor:

"Borough Rate" shall mean a Borough Fund or Rate, and any Funds assessed upon or raised in or belonging to any Borough in the Nature of Borough Rates, and applicable to the Purposes to which Borough Rates are applicable:

"County Rate" shall mean a County Rate, and any Funds assessed upon or raised in or belonging to any County in the Nature of County Rates, and applicable to the Purposes to which County Rates are applicable:

"Clerk of the Peace" shall mean every Clerk of the Peace, and every Person acting as such, or any Deputy duly appointed:

"Medical Officer" shall mean every Physician, Surgeon, and Apothecary who shall in his medical Capacity superintend or visit any Asylum:

"Treasurer of the Borough" shall mean every Officer who has the Custody of any Monies raised by a Borough Rate:

"Treasurer of the County" shall mean every Officer who has the Custody of any County Rate, or of any Rate of any City, Town,

Parish, Place, or District by this Act annexed to a County for the Purposes hereof:

"Asylum" shall mean any Asylum, House, Workhouse, Building, or Place already erected or provided under the Provisions of an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England, or under the Provisions of the said Act hereby repealed, or subject to the Provisions of the said Acts or either of them, or to be erected or provided under the Provisions of this Act: 48 G. 3. c. 96.

"Oath" shall include Affirmation or other Declaration or Solemnity lawfully substituted for an Oath in the Case of Quakers or other Persons exempted by Law from the Necessity of taking an Oath:

And Words and Expressions importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing the Masculine Gender shall include Females.

Act not to extend to Bethlehem Hospital;

LXXXV. And be it enacted, That nothing in this Act contained shall extend to the Royal Hospital of *Bethlehem*, or any Building erected adjacent thereto, and used therewith.

only to England and Wales.

LXXXVI. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Alteration of Act.

LXXXVII. And be it enacted, That this Act may be amended or repealed during this present Session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

FORM of AGREEMENT for uniting Counties, Boroughs, and Lunatic Asylums maintained by voluntary Subscriptions [*as the Case may be*] for the Purpose of erecting or providing an Asylum [*or* additional Asylum *or* Accommodation] for the Reception of Lunatics.

IT is agreed this Day of by and between the Committees of Justices of the Peace for the County and Borough, or Counties and Boroughs of or the Committee of the Subscribers of the Lunatic Asylum of [*as the Case may be*], severally appointed to treat for the uniting of the said County and Borough or Counties and Boroughs [*or* Lunatic Asylum, *as the Case may be,*] for the Purposes of an Act passed in the Year of Her Majesty Queen Victoria, intituled "An Act" [*here insert the Title of this Act*], that the said Counties, &c. [*as the Case may be*] shall henceforth be united for the Purposes of the said Act, and adopt in all respects the Provisions, Rules, Orders, and Regulations, and comply with all the Requisitions, prescribed by the said Act for Counties or Boroughs, &c. [*as the Case may be*] uniting for those Purposes; and that an Asylum for the Reception of Lunatics, with all necessary Buildings, Courts, Yards, and Outlets, shall be immediately provided and properly fitted up and accommodated for the Purposes mentioned in the said Act; and that the necessary Expences attending upon the providing, building, fitting up, Repairs, and Maintenance of the said Asylum shall be defrayed by the said County or Counties and Borough or Boroughs, and voluntary Lunatic Asylum, so united, in the following Proportions; (that is to say,)

The County of	Four Ninths of the said Expences.
The County of	Two Ninths of the same.
The Borough of	One Ninth of the same.
The Lunatic Asylum of	Two Ninths of the same [*as the Case may be*].

And it is further agreed, that the Committee of Visitors to superintend the building, Erection, and Management of the said County Lunatic Asylum shall be formed in the following Proportion: the Justices of the Peace for the said County of shall appoint the Justices of the Peace for the Borough of shall appoint and the Subscribers to the said Lunatic Asylum of shall appoint : And hereunto we, the undersigned, being the major Part of each of the Committees of Justices of the Peace for the said several Counties and Boroughs, and the major Part of the Committee of Subscribers to the said Lunatic Asylum, do, on the Part and Behalf of the said Counties and Boroughs and Lunatic Asylum, set our Hands and Seals, this Day of in the Year .

SCHEDULE (B.)

FORM of MORTGAGE and CHARGE upon the County or Borough Rates for securing the Money borrowed.

WE, the Chairman of the Court of Quarter Sessions of the Peace of the County of holden at the Day of and Two other of Her Majesty's Justices of the Peace for the said County, assembled in the said Court, [*or* we, the Mayor and Council of the Borough of *as the Case shall be*,] in pursuance of the Powers to us given by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act" [*here insert the Title of this Act*], do hereby mortgage and charge all the Rates and Funds to be raised and paid within the said County [*or* Borough, *as the Case may be*], under the Description of County Rates or Borough Fund or Rates, with the Payment of the Sum of which of hath advanced and paid towards defraying the Expences of purchasing Lands, and, for building and repairing, &c. [*as the Case shall be*] a Lunatic Asylum for the said County [*or* Borough, *or* the united Counties and Boroughs of, &c., *as the Case may be*], and we do hereby grant and confirm the same Rates and Funds unto the said his Executors, Administrators, and Assigns, for securing the Repayment of the said Sum of and Interest for the same after the Rate of per Centum per Annum, and do order the Treasurer for such County, &c. [*or* Borough, &c., *as the Case shall be*,] to pay the Interest of the said Sum of half-yearly, as the same shall become due, until the Principal shall be discharged, at the Times and in the Manner agreed upon between the said and the said Justices [*or* the said Mayor and Council, *as the Case may be*], pursuant to the Directions of the said Act.

SCHEDULE (C.)

No. 1.

NAMES of all PAUPER LUNATICS in the ASYLUM at for the County or Borough or Counties or Boroughs of on the Day of 184 .

Names of those chargeable to Union or Parish.	Date of Admission.	Names of those chargeable to County.	Date of Admission.	Names of Criminals.	Fit for Removal.

This is a correct Return.

(Signed) Medical Officer.

Dated

No. 2.

NAMES of all PRIVATE LUNATICS in the ASYLUM for the County or Borough or Counties and Boroughs of on the Day of 184 .

A.B.
C.D.

This is a correct Return.
(Signed) Medical Officer.

Dated

SCHEDULE (D.)

FORM of ANNUAL RETURN.

A TRUE LIST of all LUNATICS and IDIOTS, chargeable to the Parishes comprised within [such Part of] the Union [as is situate] [*or* to the Parish of] in the County of specifying the Names, Sex, and Age of each, and whether dangerous or otherwise, and for what Length of Time they have been supposed to be of unsound Mind, and where confined, or how otherwise disposed of.

Name.	Age.	Sex.	Parish to which chargeable.	Where maintained.					Weekly Cost of Maintenance and Clothing.	Whether Lunatic or Idiot.	Dangerous to himself or others.	Of dirty Habits.	For what Length of Time supposed to be of unsound Mind.	Observations.
				In a County or Borough Asylum, and what Asylum, and when sent thither.	In a licensed, House, and where, and when sent thither.	In the Union or Parish Workhouse.	In Lodgings, or boarded out, and where.	Residing with Friends, and where.						

Signed by me this Day of 18 .
A.B.
Clerk to the Board of Guardians of the said Union,
[*or* Overseer of the said Parish.]

SCHE-

SCHEDULE (E.) No. 1.

ORDER for the Reception of a PAUPER PATIENT.

I *C.D.* [*in the Case of a Justice of the Peace, or in the Case of a Clergyman and Relieving Officer, &c.*, we], the undersigned, having called to my [*or* our] Assistance a Physician [*or* Surgeon *or* Apothecary, *as the Case may be*], and having personally examined *A.B.*, a Pauper, and I *C.D.* [*or* we, *in the Case of a Clergyman and Relieving Officer, &c.*,] being satisfied that the said *A.B.* is a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound or imbecile Mind], and a proper Person to be confined, I [*or* we, *as the Case may be*,] hereby direct you to receive the said *A.B.* as a Patient into your Asylum, Hospital, or House. Subjoined is a Statement respecting the said *A.B.*

(Signed) (*C.D.*)
* A Justice of the Peace for the City or Borough of [*or* an *or* the Officiating Clergyman of the Parish of].
Name.
The Relieving Officer of the Union or Parish of [*or* an Overseer of the Parish of].

* In the Case of a Lunatic not chargeable, to be signed by Two Justices.

STATEMENT.

Name of Patient, and Christian Name at Length.
Sex and Age.
Married, single, or widowed.
Condition of Life, and previous Occupation (if any).
The religious Persuasion, as far as known.
Previous Place of Abode.
Length of Time insane.
Whether first Attack.
Age (if known) on first Attack.
Whether subject to Epilepsy.
Whether suicidal or dangerous to others.
Previous Places of Confinement (if any).

I certify that to the best of my Knowledge the above Particulars are correctly stated.

(Signed)
[*To be signed by the Relieving Officer or Overseer.*]

Dated the Day of One thousand eight hundred

To Superintendent of the Asylum for the County of
or the Lunatic Hospital of *or* Proprietor of the licensed House
of [*describing the Asylum, Hospital, or House.*]

FORM

FORM of MEDICAL CERTIFICATE in the Case of PAUPER PATIENTS.

I, being a Fellow [*or* Licentiate] of the Royal College of Physicians in London, [*or* a Graduate in Medicine of the University of &c., *or* a Member of the Royal College of Surgeons in London, *or* an Apothecary duly authorized to practise by the Apothecaries Company in London,] hereby certify that I have this day personally examined *A. B.*, the Person named in the accompanying Statement and Order, and that the said *A. B.* is a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound or imbecile Mind], and a proper Person to be confined.

(Signed) Name.
Place of Abode.

Dated this Day of One thousand eight hundred and

SCHEDULE (E.) No. 2.

ORDER for the Reception of a PRIVATE PATIENT.

I, the undersigned, hereby request you to receive *A. B.*, a Lunatic, [*or* an Insane Person, *or* an Idiot, *or* a Person of unsound or imbecile Mind,] as a Patient into your Asylum. Subjoined is a Statement respecting the said *A. B.*

(Signed) Name.
Occupation (if any).
Place of Abode.
Degree of Relationship (if any), or other Circumstance of Connexion with the Patient.

Name of Patient, with Christian Name at Length.
Sex and Age.
Married, single, or widowed.
Condition of Life, and previous Occupation (if any).
The religious Persuasion, as far as known.
Previous Place of Abode.
Duration of existing Attack.
Whether first Attack.
Age (if known) on first Attack.
Whether subject to Epilepsy.
Whether suicidal or dangerous to others.
Previous Places of Confinement (if any).
Whether found lunatic by Inquisition, and Date of Commission.
Special Circumstances (if any) preventing the Patient being examined, before Admission, separately, by Two Medical Practitioners.
Special Circumstances (if any) preventing the Insertion of any of the above Particulars.

(Signed) Name.

Dated this Day of One thousand eight hundred and

To Superintendent of the Asylum for the County of [*describing the Asylum*].

FORM

FORM of MEDICAL CERTIFICATE in the Case of a PRIVATE PATIENT.

I, being a Fellow [*or* Licentiate] of the Royal College of Physicians in London, [*or* a Graduate in Medicine of the University of &c., *or* a Member of the Royal College of Surgeons in London, *or* an Apothecary duly authorized to practise by the Apothecaries Company in London,] hereby certify that, by the Direction of Justice of the Peace in and for the I have this Day separately from any other medical Practitioner [visited, *if applicable*, and] personally examined *A.B.*, the Person named in the accompanying Statement and Order, and that the said *A.B.* is a Lunatic [*or* an Insane Person, *or* an Idiot, *or* a Person of an unsound or imbecile Mind], and a proper Person to be confined. Subjoined is a Statement with respect to the mental and bodily Condition of the above-named Patient.

(Signed) Name.
Place of Abode.

Dated this Day of One thousand eight hundred and

SCHEDULE (E.) No. 3.

NOTICE OF ADMISSION.

I HEREBY give you Notice, That *A. B.* was admitted into this Asylum as a Private [*or* Pauper] Patient on the Day of and I hereby transmit a Copy of the Order and medical Certificates [*or* Certificate] on which he was received.

Subjoined is a Statement with respect to the mental and bodily Condition of the above-named Patient.

(Signed)
Clerk of Asylum.

Dated the Day of One thousand eight hundred and

STATEMENT.

I have this Day seen and examined the Patient mentioned in the above Notice, and hereby certify that with respect to mental State he [*or* she] and that with respect to bodily Health and Condition he [*or* she]

(Signed)
Medical Officer of Asylum.

Dated the Day of One thousand eight hundred and

SCHEDULE (E.) No. 4.

FORM of NOTICE of DISCHARGE or DEATH.

I HEREBY give you Notice, That private [*or* a pauper] Patient, admitted into this Asylum on the Day of was discharged therefrom recovered [*or* relieved *or* not improved, by the Authority of *or* died therein in the Presence of], on the Day of .

(Signed)
Clerk of the Asylum.

Dated the Day of One thousand eight hundred and .

In case of Death, add, "I certify that the apparent Cause of Death of the said [as ascertained by post mortem Examination (*if so*),] was "

(Signed)
Medical Officer of the Asylum.

SCHEDULE (F.)

QUARTERLY LIST of LUNATIC PAUPERS within the Union of [*or* the Parish of] in the County or Borough of not in Asylums, registered Hospitals, or licensed Houses.

NAME.	Sex.	Age.	Lunatic from what Time.	Where placed.	When visited last.	In what Condition, and how often restrained.

I declare that I have personally examined the several Persons whose Names are specified in this List, on the Days set opposite to their Names, and that they are all [*or* all, except *A.B.*, *C.D.*, and *E.F.*] properly taken care of, and fit to be at large, and that these are the only pauper Lunatics, to the best of my Knowledge, of the Union [*or* Parish] of who are not in an Asylum or Hospital or House duly licensed for Lunatics.

(Signed) *A.B.*
Medical Officer of the said Union *or* Parish of .

Dated the Day of One thousand eight hundred and

SCHE-

SCHEDULE (G.) No. 1.

REGISTRY OF ADMISSIONS.

Register of Patients.*

Date of last previous Admission, if any.	No. in Order of Admission.	Date of Admission.	Christian and Surname at Length.	Sex. M.	Sex. F.	Age.	Condition as to Marriage. Married.	Condition as to Marriage. Single.	Condition as to Marriage. Widowed.	Condition of Life, and previous Occupation.	Previous Place of Abode.	County, Union, or Parish to which chargeable.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Form of mental Disorder.	Supposed Cause of Insanity.	Bodily Condition, and Name of Disease, if any.	Epileptics.	Congenital Idiots.	Duration of existing Attacks. Years.	Duration of existing Attacks. Months.	Duration of existing Attacks. Weeks.	Number of previous Attacks.	Age on first Attack.	Date of Discharge or Death.	Discharged. Recovered.	Discharged. Relieved.	Discharged. Not improved.	Died.	Observations.
	1	1846: Jan. 3	William Johnson	1	–	23	–	1	–	Carpenter	- -	- -	- -	- -	Melancholia	- -	- -	-	–	–	4	–	2	17	1846: Sept. 1	1				
	2																													
	3																													
	4	1848: June 9	William Johnson	1	–	25	–	1	–	- - -	- -	- -	- -	- -	- -	- -	- -	–	–	7	–	–	3	–	1848: Dec. 2	1				
	5																													
	6																													
	7	1852: May 6	William Johnson	1	–	29	1	–	–	- - -	- -	- -	- -	- -	- -	- -	- -	–	–	3	–	–	4	–	1853: June 8					
	8																													

* In the Case of an Asylum receiving both private and pauper Patients, a separate Register in the above Form to be kept for each Class.

SCHEDULE (G.) No. 2.

Register of Discharges and Deaths.*

Date of Discharge or Death.	Date of last Admission.	No. in Register of Patients.	Christian and Surname at Length.	Sex.		Discharged.						Died.		Assigned Cause of Death.	Age at Death.		Observations.
						Recovered.		Relieved.		Not improved.							
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.	
1846: Sept. 1 -	1846: Jan. 3 -	1	William Johnson	1	–	1											
1848: Dec. 2 -	1848: June 9 -	4	William Johnson	1	–	1											
1853: June 8 -	1852: May 6 -	7	William Johnson	1	–	–	–	–	–	–	–	1	–	Phthisis	27		

* In the Case of an Asylum receiving both private and pauper Patients, a separate Register in the above Form to be kept for each Class.

SCHEDULE (G.) No. 3.

Form of Medical Journal.*

Date.	Number of Patients.		Names of Patients under Restraint, and by what Means; and under Seclusion, and for what Period.		Names of Patients under Medical Treatment.		Report on State of Health of Patients, and Condition of Asylum.
	M.	F.	Males.	Females.	Males.	Females.	

* In the Case of an Asylum receiving both pauper and private Patients, a separate Journal to be kept in the above Form for each Class.

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1845.

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

CAP. CXXVII.

An Act for the better securing the Payment of Small Debts. [9th *August* 1845.]

WHEREAS it is expedient and just to give Creditors a further Remedy for the Recovery of Debts due to them: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person is or shall be indebted to any other in a Sum not exceeding Twenty Pounds besides Costs of Suit, by force of any Judgment obtained, or of any Order for the Payment thereof or of any Costs in any Court, which Judgment or Order shall have been obtained from any Court of competent Jurisdiction in *England*, it shall be lawful for the Creditor so having obtained a Judgment or Order to obtain a Summons from any Commissioner of the Court of Bankruptcy for the District in which such Debtor shall reside or be, or from any Court of Requests or Conscience, or Inferior Court of Record for the Recovery of Debts, or other Court for the Recovery of Small Debts, within the Jurisdiction of which such Debtor shall reside or be, having a Judge who shall be either a Barrister at Law, Special Pleader, or an Attorney who shall have practised as an Attorney for not less than Ten Years in one of Her Majesty's Superior Courts of Common Law at *Westminster*, which Summons such Commissioner of the Court of Bankruptcy or such

Creditor obtaining Judgment or Order in respect of a Debt not exceeding 20*l.* may summon the Debtor before a Commissioner of Bankrupts or Court of Requests, &c.

Court shall be authorized and required to grant, according to the Form in Schedule (A.) hereunto annexed, upon the Application of such Creditor by any Petition or Note in Writing, according to the Form in Schedule (B.) hereunto annexed; and the Debtor, appearing before such Commissioner or Court at the Time to be appointed in such Summons, shall be examined by the said Commissioner or Court, and shall, if the Creditor think fit, be interrogated before such Commissioner or Court by the Creditor summoning him, touching the Manner and Time of his contracting his Debt, the Means or Prospect of Payment he then had, the Property or Means of Payment he still hath or may have, the Disposal he may have made of any Property since contracting such Debt; and such Creditor shall also, if such Commissioner or Court shall think fit, be examined by the said Commissioner or Court touching his Claim against the said Debtor, and shall, if the Debtor think fit, be interrogated before such Commissioner or Court by the said Debtor touching the said Claim against him; and it shall be lawful for such Commissioner or Court to make an Order on the said Debtor for the Payment of his Debt by Instalments or otherwise; and in case such Debtor shall not attend as required by the said Summons, and shall not allege a sufficient Excuse for not attending, or shall if attending refuse to disclose his Property, or his Transactions respecting the same, or respecting the contracting of the Debt, or shall not make Answer thereof to the Satisfaction of the Commissioner or Court, or shall appear to such Commissioner or Court to have been guilty of Fraud in contracting the Debt, or of having wilfully contracted it without reasonable Prospect of being able to pay it, or of having concealed or made away with his Property in order to defeat his Creditors, or if he appears to have the Means of paying the same by Instalments or otherwise, and shall not pay the same at such Times as the Commissioner or Court shall order, or as the Court shall have ordered in which the original Judgment shall have been obtained or Order made, then in any of the said Cases it shall be lawful for such Commissioner or the Judge of such Court to order such Debtor to be committed, for any Time not exceeding Forty Days, to the Common Gaol wherein the Debtors under Judgment and in Execution of the Superior Courts of Justice may be confined within the County, City, Borough, or Place in which such Debtor shall be resident, or to any other Gaol or Debtors Prison within the same County, City, Borough, or Place which shall by any Declaration of One of Her Majesty's Principal Secretaries of State be allowed as a Place of Imprisonment under this Act, so long as such Declaration shall remain in force and unrevoked.

On Debtor appearing he may be examined by the Commissioner or Court.

Creditor may also be examined.

If Debtor fail to attend, or to make satisfactory Answer, or shall appear to have been guilty of Fraud, &c., he may be committed.

How Order shall be executed.

II. And be it enacted, That every Bailiff and Messenger to whom any such Order shall be issued, or who shall be acting as an Officer of the High Bailiff of *Westminster* or *Southwark* in the Execution of any such Order issued to such High Bailiff, shall be thereby empowered to take the Body of the Person against whom such Order shall be made, and all Constables and other Peace Officers within their several Jurisdictions shall aid in the Execution of every such Order; and no Protection, or Interim or other Order issuing out of any Court of Bankruptcy or for the Relief of Insolvent Debtors, nor any Certificate

obtained after such Order for Imprisonment under this Act, shall be available to any Debtor imprisoned under such Order as aforesaid.

Imprisonment not to extinguish the Debt; but on Payment thereof, or of the Instalment payable, and the Costs, &c., the Debtor to be discharged.

III. And be it declared and enacted, That no Imprisonment under this Act shall in anywise operate as Satisfaction or Extinguishment of any Debt or Demand; but any Person imprisoned under this Act, who shall have paid or satisfied the Debt or Demand, or the Instalments thereof payable, and Costs remaining due at the Time of the Order of Imprisonment being made, and all subsequent Costs, shall, upon Entry of such Payment endorsed on the Order of Imprisonment, signed by the Plaintiff or his Attorney, be discharged out of Custody by Leave of a Commissioner or Judge of the Court in which the Order of Imprisonment was made.

Certain Courts to have the like Powers in original Suits.

IV. And be it enacted, That the Judge of every Court of Requests or Conscience, and of every Inferior Court of Record for the Recovery of Debts, and of every other Court for the Recovery of Small Debts, of which the Judge is a Barrister at Law or Special Pleader, or an Attorney of Ten Years standing of one of Her Majesty's Superior Courts of Common Law at *Westminster*, in which Court Proceedings shall be had for the Recovery of any Debt or Demand within the Jurisdiction of the said Court, shall have the like Powers, in the Suit instituted for Recovery of such Debt or Demand, of examining the Parties to the Suit, and, upon Occasion of pronouncing Judgment therein, if Judgment be given for the Plaintiff, shall have the like Powers of further examining the Parties, and, in the several Cases herein-before specified, of committing the Defendant to Prison, which he might exercise under the Provision herein-before contained, if Judgment for such Debt or Demand had been obtained in his Court, and the Judgment Creditor had obtained a Summons for such Defendant from the same Court under this Act; and all the Provisions of this Act shall be deemed to apply to such Case as if such Summons had been obtained.

Where several Courts exist in the same Town, &c., Business not to be transferred from one to the other.

V. Provided always, and be it enacted, That in any City, Town, or District wherein there are several Courts for the Recovery of Small Debts, neither of the said Courts shall have any Power under this Act in respect of any Debt which shall have been sued for in the other of the said Courts in the same City, Town, or District, unless such other of the said Courts shall not have a Judge qualified as herein-before specified.

Application to Commissioners, &c. need not be made by Counsel or Attorney. 5 & 6 Vict. c. 116.

VI. And be it declared and enacted, That in making Application to any Commissioner or Court as aforesaid, or taking any Proceedings under this Act, or under the Act of the last Session of Parliament, intituled *An Act to amend the Law of Insolvency, Bankruptcy, and Execution*, or under an Act made in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the Relief of Insolvent Debtors*, it shall not be requisite for any Party, whether Creditor or Debtor, to employ either Counsel or Attorney or Solicitor.

Affidavits in Bankruptcy and Insol-

VII. And be it enacted, That any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in *England* to be used in Matters of

vency may be sworn before Keepers of Prisons.

of Bankruptcy or Insolvency, or under or by virtue of any Statute relating to Bankrupts or Insolvent Debtors, or of this Act, may be sworn before the Visiting or other Justice, or if within Twelve Hours none such shall attend, then by the principal Keeper or Gaoler of such Prisons or Gaols respectively, and they and he shall be respectively authorized and required to administer the Oath upon any such Affidavit or Affidavits.

Actual Necessaries of Judgment Debtors not to be seized.

VIII. And whereas it is expedient to protect the actual Necessaries of or belonging to Judgment Debtors from being seized in Execution; be it enacted, That from and after the passing of this Act the Wearing Apparel and Bedding of any Judgment Debtor or his Family, and the Tools and Implements of his Trade, the Value of such Apparel, Bedding, Tools, and Implements not exceeding in the whole the Value of Five Pounds, shall not be liable to Seizure under any Execution or Order of any Court against his Goods and Chattels.

Jurisdiction of Courts may be altered.

IX. And be it enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to enlarge the Jurisdiction of any such Court of Requests or Conscience, or Inferior Court of Record for the Recovery of Debts, or other Court for the Recovery of Small Debts, to all Debts and Demands, whether on Balance of Account or otherwise, or Damage arising out of any express or implied Agreement, not exceeding Twenty Pounds, and in such Cases as Her Majesty, with the Advice aforesaid, may think fit, to enlarge the District of any such Court, or, where any Part of the District of such Court is comprised within the Jurisdiction of any other like Court, to contract the same, and also to make any Alteration or Regulation for the holding or sitting of any such Court, both as to Time and Place, any thing in any Act constituting any such Court to the contrary notwithstanding; and all Powers and Authorities now vested in any such Court, the Jurisdiction or District whereof shall be so enlarged, or the District whereof shall be so contracted, shall apply and extend to the Jurisdiction or District given or limited under the Powers of this Act, and that as fully as if such Jurisdiction or District had been given by the Act or Acts establishing or regulating such Court and its Proceedings; provided always, that no such Order shall take effect in respect of any Court which shall not have a Judge who is either a Barrister at Law or Special Pleader, or an Attorney of one of Her Majesty's Superior Courts of Common Law at *Westminster* who shall have practised as an Attorney for at least Ten Years; and in any Court in which there shall be no Judge qualified as aforesaid the Person or Persons to whom the Appointment of Judge, or, if there be no Judge, to whom the Appointment of any Clerk of the Court, belongs, or the Majority of such Persons, who shall be present at a Meeting called for the Purpose, shall within Three Calendar Months next after the making of any such Order, and also within Three Calendar Months next after any Vacancy of the said Office of Judge, appoint a Judge, qualified as aforesaid, subject to the Approval of Her Majesty, to be signified under the Royal Sign Manual; and in default of any such Appointment as aforesaid it shall be lawful for Her Majesty to appoint a Judge, qualified as herein-before provided, for the Court in which

which such Default shall have been made; provided always, that no Judge, Clerk, or Officer of any Court whose Emoluments shall be increased under this Act, nor any Person or Persons whose Franchise or Right of Appointment to any Office in any Court shall become more valuable under this Act, shall be entitled to any Compensation for any such Increase of Emoluments, or increased Value of any such Franchise or Right of Appointment, if the same, or the Value of the same, shall be diminished or taken away by any Alteration in the Constitution of the said Court, or otherwise, by Act of Parliament: Provided also, that Notice of the Intention of Her Majesty, with the Advice of Her Privy Council, to take into consideration the Expediency of making any such Order, and of the Time when the same will be considered, shall be given in the *London Gazette* One Calendar Month at least before the same shall be so considered.

Removal of Judges of Inferior Courts for Misbehaviour or Incapacity.

X. And be it enacted, That every Judge of any such Court of Requests or Conscience, or Inferior Court of Record for the Recovery of Debts, or other Court for the Recovery of Small Debts, shall be removable by the Lord Chancellor for Misbehaviour or Incapacity.

Who shall be competent to hold the Court.

XI. And be it enacted, That in all Cases of Debts and Demands which were not within the Jurisdiction of the Court before the passing of this Act, and also whenever the Number of Commissioners present at any Court shall not be sufficient for the Trial of Causes according to the Constitution of the Court before the passing of this Act, the Judge shall act alone, with all the Powers of the Court, and shall determine all Questions, as well of Fact as of Law, in the Causes which shall be brought before him.

Appointing of a Deputy to act during the Absence of the Judge.

XII. And be it enacted, That in all Cases of Illness or unavoidable Absence, the Cause whereof shall be entered in the Minutes of the Court, it shall be lawful for the Judge, or, in case of the Inability of the Judge, for the Commissioners, or the Person or Persons to whom the Appointment of the Judge belongs, to appoint a Deputy, qualified as is herein-before provided in the Case of the Judge, to act for him during such Illness or unavoidable Absence; and it shall also be lawful for the Judge, with the Approval of the Person or Persons to whom the Appointment of Judge belongs, and of One of Her Majesty's Principal Secretaries of State, to appoint a Deputy, qualified as aforesaid, to act for him for any Time or Times not exceeding in the whole One Calendar Month in any consecutive Period of Twelve Calendar Months; and any Deputy so appointed, while acting under such Appointment, shall have all the Powers and perform all the Duties of such Judge: Provided always, that, independently of the Power herein contained, every Judge shall have the same Power of appointing a Deputy or Deputies to hold his Court for all Cases of Debts and Demands within the Jurisdiction of the Court as it was constituted before the passing of this Act which he has under the Act or Acts according to which the Court is now constituted, and that such Deputy or Deputies, if qualified as is herein-before pro-

vided in the Case of the Judge or in the Case of any Deputy appointed before the passing of this Act, if approved by One of Her Majesty's Principal Secretaries of State, shall have in all Cases within the extended Jurisdiction of the Court the Powers and Privileges, and be subject to the same Liabilities, and perform all the Duties of such Judge while acting under such Appointment.

Execution of Process in Westminster and Southwark.

XIII. And be it enacted, That, until Parliament shall otherwise direct, the Execution of all Process issuing out of any of the last-mentioned Courts, the Jurisdiction of which shall include the City and Liberty of *Westminster* or any Part thereof, shall belong to the High Bailiff of *Westminster*, and out of any Court the Jurisdiction of which shall include the Borough of *Southwark*, or any Part thereof, shall belong to the High Bailiff of *Southwark*.

Power for Judge to frame a Table of Fees.

XIV. And be it enacted, That the Judge of any such Court, the Jurisdiction or District whereof shall be extended under the Powers of this Act, shall, subject to the Approval of One of Her Majesty's Principal Secretaries of State, frame a Table of Fees to be payable by the Suitors of such Court or Courts in respect of every Proceeding therein; and a Table of such Fees shall be put in some conspicuous Place in the Court House and in the Clerk's Office; and the Fees on every Proceeding shall be paid, in the first instance, by the Plaintiff or Party on whose Behalf such Proceeding is to be had, on or before such Proceeding; and all such Fees shall be received by the Clerk or Clerks of such Court, who shall account to the other Officers of such Court for the Amount or Proportion thereof which shall be payable to them respectively, and shall also in the Month of *March* in every Year render to One of Her Majesty's Principal Secretaries of State an Account of all such Fees which shall have been received in the Year ending on the last Day of *December* then next preceding: Provided always, that it shall be lawful for the Secretary of State to lessen the Amount of the Fees to be taken in any one or more of the Courts the Jurisdiction or District whereof shall be extended as aforesaid, in such Manner as to him shall seem fit, and again to increase such Fees, so that the Scale of Fees given in the Schedule to this Act marked (C.) be not in any Case surpassed: Provided also, that in all Cases where any Judge, Clerk, or other Officer of any such Court shall have been paid by Salary instead of Fees, such Judge, Clerk, or other Officer shall continue to receive such Salary in respect of the Business now within the Jurisdiction of such Court, and, in respect of the Business under the Powers of this Act, such Fees applicable thereto as are set out in the said Schedule (C.), or such additional Salary instead of such Fees as the Secretary of State shall direct; and all Sums payable in the Name of Fees to any such Judge, Clerk, or other Officer, over and above the Amount of such Salary, shall be applicable for such Purposes and in the Manner prescribed by the Act or Acts of Parliament under which such Court is constituted; and that in awarding Compensation to any Judge, Clerk, or Officer of any such Court under the Provisions of the said Act of the last Session of Parliament, Account shall be taken of the Fees and Emoluments to which he shall become entitled under this Act,

Act, and any Increase of his Fees and Emoluments under this Act shall go in diminution of the Amount to be awarded to him for such Compensation.

Fees in Courts of Bankruptcy.

XV. And be it enacted, That the Registrars of the Court of Bankruptcy shall be entitled to take the Fees on every Proceeding had under this Act before or under the Authority of any Commissioner of the Court of Bankruptcy in his District which are specified in the Schedule marked (D.) hereunto annexed, and the Messengers and Ushers of the Court of Bankruptcy shall be severally entitled to have the same Fees which are provided as the Bailiffs and Serjeants Fees in the Schedule (C.) hereunto annexed, subject to such Alterations as may be made in the said several Fees by the Court of Bankruptcy, so as not to exceed the Scales of Fees herein provided.

Fees, &c. payable under any existing Acts not to be affected.

XVI. Provided always, and be it enacted, That nothing hereinbefore contained shall extend to or affect any Fees or Salary payable by virtue of any existing Act or Acts for Business or Proceedings in any Court for the Recovery of Small Debts, except such Business or Proceedings as shall be had under or by virtue of this Act; but it shall be lawful for the Judge of any Court, with the Approval of One of Her Majesty's Principal Secretaries of State, to alter the Fees receivable under the Act or Acts under which his Court is now constituted, but not so as to exceed the Scale of Fees given by such Act or Acts respectively.

Poundage to be demanded from Suitors upon Sums claimed.

XVII. And be it enacted, That for raising a Fund for providing a Court House and Offices for any Court of Requests, or other Court for the Recovery of Small Debts, and for other Purposes herein-after mentioned, the Clerk or Clerks of any such Court in which and while it shall be necessary to raise such Fund shall demand and receive from the Plaintiff in every Suit brought in that Court, before he shall issue any Summons in that Suit, the Sum of Sixpence when the Debt or Damage claimed shall not exceed Twenty Shillings, and for every Claim exceeding Twenty Shillings One Fortieth Part thereof (neglecting any Sum less than Three-pence in estimating such Fortieth Part), or other such Sum, in either Case not exceeding the Rates herein-before mentioned, as the Secretary of State from Time to Time shall order, which Sum shall be paid in all Cases in the first instance by the Plaintiff upon Suit brought in such Court, and shall be considered as Costs in the Cause; and the Clerk or Clerks of the Court shall keep an Account of all Monies so paid to him or them, and shall account for the same to the Judge of such Court for the Time being, and the Amount thereof shall accumulate, to form a General Fund for such Court, and shall be applied in providing a Court House and Offices, or in defraying the Rent and Taxes, Stationery, and other necessary Expences of holding and carrying on the Business of such Court, in such Manner as the Court for the Time being, with the Approval of the Secretary of State, shall direct.

Summonses to Witnesses.

XVIII. And be it enacted, That either of the Parties to the Suit or any other Proceeding before any such Commissioner or in any such

Court may obtain Summonses to Witnesses, to be served by a Messenger or Bailiff, with or without a Clause requiring the Production of Books and Writings in their Possession or Control, and in any such Summons any Number of Names may be inserted; and every Person on whom any such Summons shall be personally served within the Jurisdiction of the Court, and to whom at the same Time Payment or Tender of his Expences shall have been made, on such Scale of Allowance as shall be from Time to Time settled by the Court of Bankruptcy or Judge of any such Court as aforesaid, as the Case may be, with the Approval of One of Her Majesty's Principal Secretaries of State, and who shall refuse or neglect, without sufficient Cause, to appear, or to produce any Books or Writings required by such Summons to be produced, and also every Person present in Court who shall be required to give Evidence, and who shall refuse to be sworn and give Evidence, shall forfeit and pay such Fine not exceeding Five Pounds as the Commissioner or Judge shall set on him, and Payment of such Fine shall be enforced in like Manner as Payment of any Debt recovered by Judgment of any Court of competent Jurisdiction; and the whole or any Part of such Fine, in the Discretion of the Judge, after deducting the Costs, shall be applicable toward indemnifying the Party injured by such Refusal or Neglect, and the Remainder thereof shall be applicable to the Expences of the Court in which the Fine was imposed.

Lists of unclaimed Suitors Money to be made out and put up in the Court.

XIX. And be it enacted, That the Clerk or Clerks of every such Court shall in the Month of *March* in each Year make out a correct List of all Sums of Money belonging to Suitors in the Court which shall have been paid into Court, and which shall have remained unclaimed for the Space of Twelve Calendar Months before the First Day of the Month of *January*, specifying the Names of the Parties for whom or on whose Account the same were so paid into Court; and a Copy of such List shall be put up and remain during Court Hours in some conspicuous Part of the Court House, and at all Times in the Clerk's Office.

All Suitors Money paid into Court and unclaimed for Six Years, to go into the Court Fund.

XX. And be it enacted, That all Sums of Money which shall have been paid into any such Court to the Use of any Suitor or Suitors thereof, and which shall have remained unclaimed for the Period of Six Years before the passing of this Act, and which are now in the Hands of any Commissioner, Trustee, Judge, or Officer of such Court, or otherwise held in trust for such Suitors, and all further Sums of Money which shall hereafter be paid into any such Court to the Use of any Suitor or Suitors thereof, shall, if unclaimed for the Period of Six Years after the same shall have been so paid into Court, vest in and belong to the Judge or Judge and Commissioners of such Court for the Time being, in trust for the general Purposes of such Court, and shall form a General Fund, for the Payment of all Debts due on behalf of the Court, and the necessary Expences of holding or carrying on the Business of such Court.

Power to remove Suits exceeding 10*l.* into

XXI. And be it enacted, That any Suit to be instituted in any such Court, wherein the Claim or Demand shall exceed the Sum of Ten Pounds, shall be removable by Certiorari or otherwise into any of

of Her Majesty's Superior Courts of Common Law at *Westminster*, or into the Court of Common Pleas at *Lancaster*, by Leave of a Judge of any one of the said Courts, and upon such Terms as he shall order. Superior Courts.

XXII. And be it enacted, That in all Cases where final Judgment shall have been obtained in any such Court, and a Warrant or Execution shall have issued against the Goods and Chattels of the Defendant, or an Order for his Commitment shall have been made, under this Act, and the Defendant, or his Goods and Chattels, shall be out of the Jurisdiction of such Court, it shall be lawful for the Officer charged with such Warrant, Execution, or Order of Commitment to apply to any Justice of the Peace acting for any County, Division, or Place in which the Defendant, or his Goods and Chattels, shall then be, upon Proof being made upon Oath (which Oath such Justice shall be empowered to administer) that the Person or Goods and Chattels of such Defendant is or are believed to be within the County, Division, or Place where such Justice of the Peace shall act, such Justice of the Peace shall sign or endorse his Name upon the said Warrant, Execution, or Order of Commitment, and thereupon the said Officer charged therewith shall take and seize the Person or the Goods and Chattels of the Defendant, wheresoever the same shall be found within the County, Division, or Place for which such Justice of the Peace shall act, and all Constables and other Peace Officers shall be aiding and assisting within their respective Districts in the Execution of the said Warrants, Executions, or Orders. Power to execute Warrants and levy Executions out of Jurisdiction.

XXIII. And be it declared and enacted, That all the Enactments of the said Act of the last Session of Parliament, and of the several Acts under which the said several Courts are now held or constituted, shall within their several Districts be deemed to apply to every Proceeding under this Act, so far as the same are applicable, and not repugnant to the Provisions of this Act. Powers of 7 & 8 Vict. c. 96. applicable to this Act.

XXIV. And be it enacted, That in the Construction of this Act the Word "Judge" shall be construed to include every Person, being either a Barrister at Law or a Special Pleader, or an Attorney of one of Her Majesty's Superior Courts of Common Law at *Westminster* who shall have practised as an Attorney for at least Ten Years in one of Her Majesty's Superior Courts of Common Law at *Westminster*, who, according to the Constitution of the Court, presides in any such Court as aforesaid, or acts as Judge or Assessor therein, whether by the Title of Judge, or Barrister, or County Clerk, Assessor, or Steward or Deputy Steward, or by any other Style or Title whatsoever; and the Word "Person" shall include a Body Corporate; and every Word importing the Singular Number or Masculine Gender shall include also several Persons or Things, and Females as well as Males, unless the Context shall require another Construction. Interpretation of Terms in the Act.

XXV. And be it enacted, That this Act shall apply only to *England*. Act to apply only to England.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

You are hereby required to appear before [*set forth the Court's Style*] at [ ], on the Day of next, to answer such Questions as may be put to you touching the not having paid to *A.B.* of [ ] the Sum of £ [ ] recovered in a certain Judgment [*or* Order] of [*set forth the Style or other sufficient Description of the Court that gave the Judgment or made the Order.*]

To *C.D.* of [ ].

By Order of the Court,
Signed

SCHEDULE (B.)

Be pleased to summon *C.D.* of [ ] to answer touching the Debts due to me by the Judgment [*or* Order] of the Court of [*set forth the Style or other sufficient Description of the Court which gave the Judgment or made the Order*] on my Behalf.

Signed [*Party's Name*] of [

SCHEDULE (C.)

Judge's Fees.	On Demands not exceeding 40s.	On Demands not exceeding £5.	On Demands exceeding £5. and not exceeding £10.	On Demands exceeding £10.
	s. d.	s. d.	s. d.	s. d.
For every Summons - - - -	0 6	1 0	2 0	3 0
For every Hearing or Trial - - -	2 0	2 6	7 6	10 0

Clerk's Fees.	On Demands not exceeding 40s.	On Demands exceeding 40s. and not exceeding £5.	On Demands exceeding £5. and not exceeding £10.	On Demands exceeding £10.
	s. d.	s. d.	s. d.	s. d
For entering every Plaint, Petition, or Note -	0 6	1 0	1 6	2 0
Issuing every Summons or Subpœna - -	0 6	1 0	1 6	2 0
Every Hearing or Trial - - -	1 0	1 6	2 0	2 6
Adjournment of any Cause or Hearing - -	0 3	0 4	0 6	0 8
Swearing any Witness, Plaintiff, or Defendant -	0 4	0 6	0 8	1 0
Entering and drawing up every Judgment, Decree, or Order - - - - -	0 6	1 0	1 6	2 0
Copy of every Order or Judgment - - -	0 3	0 6	1 0	1 3
Every Nonsuit - - - -	0 6	1 0	2 0	2 6
Paying Money into Court, and entering same in Books - - - - -	0 3	0 4	0 6	0 8
Every Receipt on Payment of Money out of Court, exclusive of Stamp - - -	0 4	0 6	1 0	1 3
Issuing every Attachment, Precept, Order, or Execution - - - - -	1 0	1 6	2 6	3 0
Taking Recognizance of Security for Costs -	- -	- -	2 6	3 0
Taxing Costs - - - - -	1 0	1 0	2 0	3 0

Bailiff's and Serjeant's Fees.	On Demands not exceeding 40s.	On Demands exceeding 40s. and not exceeding £5.	On Demands exceeding £5. and not exceeding £10.	On Demands exceeding £10.
	s. d.	s. d.	s. d.	s. d.
For calling every Plaintiff or Defendant - -	0 2	0 3	0 5	0 6
For serving every Summons, Order, or Subpœna within One Mile of the Court House - -	0 4	0 6	0 10	1 0
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House	0 2	0 3	0 4	0 4
For the Execution of any Warrant, Precept, or Attachment against the Goods or Body -	1 0	1 6	2 6	3 0
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House	0 2	0 3	0 4	0 4
If an Assistant Serjeant should be necessary, in the Judgment of the Court, then for Assistant -	0 6	1 0	2 0	2 6
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House	0 2	0 3	0 4	0 4
For carrying every Plaintiff, Defendant, or Delinquent to Prison (including all Expences and Assistants), for every Mile - - -	0 6	0 6	0 6	0 6

SCHE-

SCHEDULE (D.)

FEES to be taken by the REGISTRARS of the Courts of Bankruptcy.

	If Debt is under £5.		If £5. and under £10.		£10. and not exceeding £20.	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*
On filing Application for Summons	0	6	0	9	1	0
For Summons	0	6	0	9	1	0
Order	1	0	1	6	2	0
For every Examination	0	6	0	9	1	0
For every Warrant	0	6	0	9	1	0
On filing Affidavits or other Documents	0	6	0	9	1	0
For every Search	0	6	0	9	1	0
For registering every Order	0	6	0	9	1	0
For Copies of any Documents filed, 1½*d.* per Folio of Ninety Words.						

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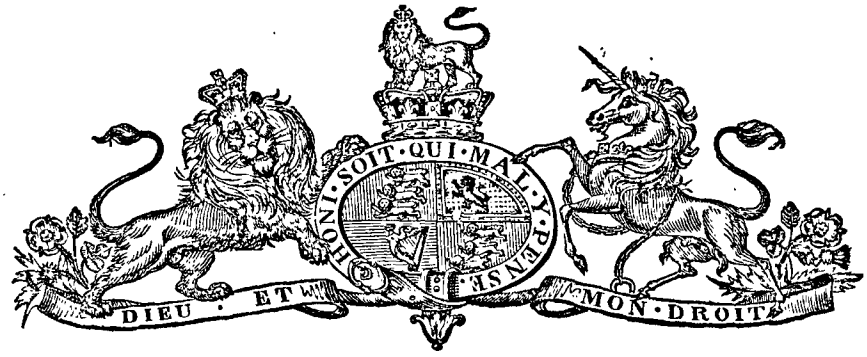

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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both Parties shall by Writing under their respective Hands agree to dispense therewith) a printed or written Ticket, signed by such Manufacturer or Agent, containing the following Particulars of the Agreement between such Manufacturer or Agent and such Weaver; (that is to say,)

The Count or Richness of the Warp or Cane:
The Number of Shoots or Picks required in each Inch:
The Number of Threads of Weft to be used in each Shoot:
The Name of the Manufacturer, or the Style of the Firm under which he carries on Business:
The Weaver's Name, with the Date of the Engagement:
And the Price in Sterling Money agreed on for executing each Yard Imperial Standard Measure of Thirty-six Inches of such Work in a workmanlike Manner:

And such Manufacturer or Agent delivering such Ticket shall make or cause to be made, and shall preserve until the Work contracted to be done shall have been completed or paid for, a Duplicate of such Note or Ticket.

Ticket to be Evidence in Cases of Dispute;

II. And be it enacted, That in the event of any Dispute between the Manufacturer or his Agent and the Workmen, such Ticket and the said Duplicate thereof shall be required to be produced, and shall, together or either of them, be Evidence of all things mentioned therein, or respecting the same.

and Work to be produced in order to Adjudication.

III. Provided always, and be it enacted, That where the Subject of Dispute relates to the alleged improper or imperfect Execution of any Work delivered to any Manufacturer or his Agent, such Piece of Work shall be produced, in order to Adjudication, or if not produced shall be deemed and taken to have been sufficiently and properly executed.

Power of summoning Witnesses.

IV. And be it enacted, That if any of the Parties to the said Complaint shall make Oath before any Justice having Cognizance of such Complaint that he or she believes that the Attendance of any Person as a Witness will be material to the hearing of such Complaint, such Justice may summon such Person, having been paid or tendered a reasonable Sum for his Expences, to appear and give Evidence on Oath before him at a Time and Place set forth in the said Summons; and if any Person so summoned shall not appear at the Time and Place set forth in the said Summons, and shall not make Excuse for the Default to the Satisfaction of such Justice, and if the due Service of the Summons be proved, or if such Person appearing according to the Summons shall not submit to be examined as a Witness, then such Justice may adjudge such Person so making default in appearing or refusing to give Evidence to pay such Penalty not exceeding Five Pounds as such Justice shall think fit, and the Party so adjudged to pay such Penalty shall pay the same accordingly.

Service of Summons.

V. And be it enacted, That every Summons required by this Act shall be served by delivering the same to the Person summoned, or by leaving the same at his or her usual Place of Abode, Twenty-four

four Hours at least before the Time appointed by the Summons for such Person to appear.

Levying and Application of Penalty.

VI. And be it enacted, That if any such Penalty or Costs so adjudged by any Justice to be paid is not paid immediately upon Adjudication such Justice may issue his Warrant to distrain and sell the Goods and Chattels of the Person so adjudged to pay the same for the Amount thereof, with Costs; and the Proceeds of such Distress, after paying the Penalty and Costs, and the Costs of such Distress and Sale, shall be paid over to the Person convicted; and the said Penalty shall be paid over to the Sheriff or other proper Officer of the County, City, Borough, or Place in which such Conviction shall take place, for Her Majesty's Use, and shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.* 3 G. 4. c. 46.

Recovery of Wages and Sums due for Work.

VII. And be it enacted, That if any Silk Manufacturer or other Party employing, contracting, or engaging with any Person for any Work in any Branch of the said Manufacture, or connected therewith or incidental thereto, or for specific Work, or otherwise, and whether such Person is to be paid according to the Nature or Amount of the Work done, the Time employed, or any other Manner, shall not from Time to Time pay and discharge all such Sums of Money and Wages as shall be justly due and payable to any such Person, it shall be lawful for a Justice of the Peace, on Complaint made for that Purpose, to summon such Manufacturer or other Party to appear at a Time and Place to be named in such Summons, and for any Two or more Justices of the Peace to hear and determine such Complaint, and order Payment of such Sum as shall appear to such Justices to be justly due and payable, together with Costs for Loss of Time and recovering the same, and in default of Payment immediately, or within such Period as the said Justices shall direct, the said Justices shall issue their Warrant to levy the same by Distress and Sale of the Goods and Chattels of the said Manufacturer or other Party; and the said Justices, if they shall think fit, may also, by Order in Writing, authorize such Person to return his Work unfinished; and such Justices shall also fine such Manufacturer or other Party for such Neglect of Payment, if the First Offence Five Pounds, and for the Second Ten Pounds, and Five Pounds extra for every succeeding Offence, unless the said Manufacturer or other Party shall deliver to the said Person employed a Notice in Writing, within Four-and-twenty Hours after such Refusal to pay to the said Person employed the Amount of Wages due, stating the Reasons for such Refusal in full, and that the said Manufacturer or other Party intends to have such Work arbitrated.

No Certiorari to be allowed.

VIII. And be it enacted, That no Order or Conviction or Proceeding touching the same respectively shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and that when any Distress shall have been made for levying any Money by virtue of this Act the

the Distress itself shall not be deemed unlawful, nor the Party making the same a Trespasser, on account of any Defect or Want of Form in the Summons, Warrant, Conviction, Warrant of Distress, or other Proceedings in relation thereto, nor shall the Party distraining be deemed a Trespasser from the Beginning on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for special Damage (if any) by Action on the Case.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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CAP. CXXIX.

An Act for raising the Sum of Nine millions and twenty-four thousand nine hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-five.

[9th *August* 1845.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of

Treasury may raise 9,024,900*l.* by Exchequer Bills in like Manner

as is prescribed by 48 G. 3. c. 1. of Nine millions and twenty-four thousand nine hundred Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills*.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

The Clauses, &c. in recited Acts extended to this Act.

II. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Treasury to apply the Money raised.

III. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills to be payable out of Supplies of the next Session.

IV. And be it enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Exchequer Bills.

V. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills to be current at the Exchequer after Twelve Calendar Months from their Dates.

VI. And be it enacted, That all the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted or payable, or which shall hereafter be granted or payable to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

VII. And

VII. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Nine millions and twenty-four thousand nine hundred Pounds, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds toward carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 9,024,900*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

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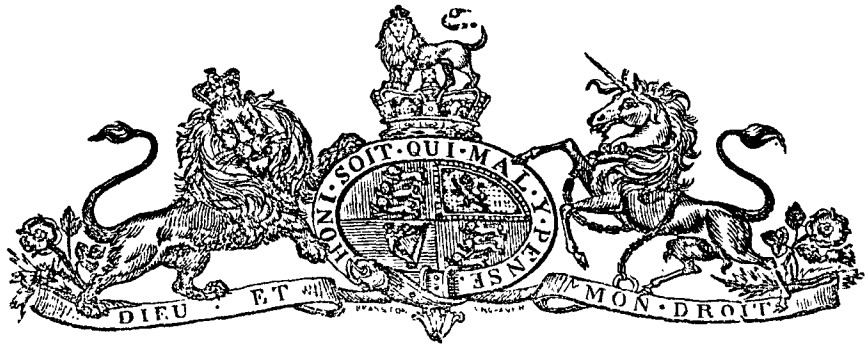

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CXXX.

An Act to apply the Sum of Ten millions eight hundred sixty-nine thousand two hundred and thirty-nine Pounds One Shilling and Seven-pence out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-five, and to appropriate the Supplies granted in this Session of Parliament. [9th *August* 1845.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making

There shall be applied, for the Service of the

Year 1845, 10,869,239*l.* 1*s.* 7*d.* out of the Consolidated Fund.

making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-five, the Sum of Ten millions eight hundred sixty-nine thousand two hundred and thirty-nine Pounds One Shilling and Seven-pence out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 10,869,239*l.* 1*s.* 7*d.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Ten millions eight hundred sixty-nine thousand two hundred and thirty-nine Pounds One Shilling and Seven-pence; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

The Clauses, &c. in recited Acts extended to this Act.

III. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 10,869,239*l.* 1*s.* 7*d.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out

of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Ten millions eight hundred sixty-nine thousand two hundred and thirty-nine Pounds One Shilling and Seven-pence, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Monies raised by Exchequer Bills to be applied to Services voted by the Commons.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

IX. And

The Treasury to issue 289,351*l.* 18*s.* 5*d.* the Surplus of Ways and Means, and 500,000*l.* now in the Exchequer, to complete the Aids granted for 1843 and 1844.

IX. And be it enacted, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-five, the Sum of Two hundred eighty-nine thousand three hundred and fifty-one Pounds Eighteen Shillings and Five-pence, being the Surplus of Ways and Means granted for the Service of preceding Years, and also the Sum of Five hundred thousand Pounds, a Part of the Sum in the Exchequer of the United Kingdom of *Great Britain* and *Ireland*, or remaining to be raised on the Twenty-eighth Day of *June* One thousand eight hundred and forty-five, to complete the Aids granted by Parliament for the Service of the Years One thousand eight hundred and forty-three and One thousand eight hundred and forty-four, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the said United Kingdom, are or is hereby authorized and empowered to issue and apply the same accordingly.

Monies coming into the Exchequer by 8 & 9 Vict. c. 1.;

9,379,600*l.* by Exchequer Bills, 8 & 9 Vict. c. 23.;

9,024,900*l.* by Exchequer Bills, 8 & 9 Vict. c. 129.;

and 10,869,239*l.* 1*s.* 7*d.*, 289,351*l.* 18*s.* 5*d.*, and 500,000*l.* by this Act, applied as hereafter expressed.

X. And be it enacted, That all the Monies coming into the Exchequer of *Great Britain* by an Act passed in this Session of Parliament, intituled *An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-five;* and also the Sum of Nine millions three hundred seventy-nine thousand six hundred Pounds granted by one other Act passed in this Session of Parliament, intituled *An Act for raising the Sum of Nine millions three hundred and seventy-nine thousand six hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-five;* and also the Sum of Nine millions and twenty-four thousand nine hundred Pounds granted by one other Act passed in this Session of Parliament, intituled *An Act for raising the Sum of Nine millions and twenty-four thousand nine hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-five;* and also the respective Sums of Ten millions eight hundred sixty-nine thousand two hundred and thirty-nine Pounds One Shilling and Seven-pence, and of Two hundred eighty-nine thousand three hundred and fifty-one Pounds Eighteen Shillings and Five-pence, and of Five hundred thousand Pounds, by this Act granted, shall be further appropriated and are hereby appropriated, and shall be issued and applied, for and towards the several Uses and Purposes hereafter expressed.

There shall be applied 6,943,720*l.* for Naval Services; viz.

1,289,543*l.* for Wages to 40,000 Seamen and Marines, &c.;

610,545*l.* for Victuals, &c. in the Navy;

XI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six millions nine hundred forty-three thousand seven hundred and twenty Pounds, for and towards the Naval Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding One million two hundred eighty-nine thousand five hundred and forty-three Pounds, to defray the Charge of Wages to Forty thousand Seamen and Marines, and to the Ordinary and Yard Craft, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Six hundred

and

and ten thousand five hundred and forty-five Pounds, to defray the Charge of Victuals to Seamen and Marines in Her Majesty's Fleet, and the Ordinary and Yard Craft, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One hundred twenty-nine thousand and ninety-two Pounds, to defray the Salaries of the Officers and the Contingent Expences of the Admiralty Office, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Eleven thousand six hundred and eight Pounds, to defray the Salaries of the Officers and the Contingent Expences of the general Register and Record Office of Seamen, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Thirty-nine thousand five hundred and forty-five Pounds, to defray the Salaries of the Officers and the Contingent Expences of the several Scientific Departments of the Navy, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One hundred thirty-one thousand and forty-seven Pounds, to defray the Salaries of the Officers and the Contingent Expences of Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Twenty-two thousand nine hundred and fifty-seven Pounds, to defray the Salaries of the Officers and the Contingent Expences of Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Six hundred ninety thousand six hundred and thirty Pounds, to defray the Wages of Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Forty-one thousand nine hundred and ninety-five Pounds, to defray the Wages of Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One million one hundred ninety-nine thousand one hundred and forty-one Pounds, to defray the Expence of Naval Stores for the Building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other Expences connected therewith, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Four hundred eighty-six thousand three hundred and forty-six Pounds, to defray the Charge of new Works, Improvements, and Repairs in the Naval Establishments, for the Year to the Thirty-first Day of *March* One thousand eight hundred and

129,092*l.* for Salaries, &c. of the Admiralty Office;

11,608*l.* for Registry Office of Seamen, &c.;

39,545*l.* for the Navy Scientific Departments;

131,047*l.* for Naval Establishments at home;

22,957*l.* for Naval Establishments abroad;

690,630*l.* for Wages of Artificers, &c. at home;

41,995*l.* for Wages of Artificers, &c. abroad;

1,199,141*l.* for Naval Stores, &c.;

486,346*l.* for new Works in Naval Establishments;

19,758*l.* for Medicines, &c.; and forty-six; and any Sum or Sums of Money not exceeding Nineteen thousand seven hundred and fifty-eight Pounds, to defray the Charge of Medicines and Medical Stores, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six;

118,457*l.* for Naval miscellaneous Services; and any Sum or Sums of Money not exceeding One hundred eighteen thousand four hundred and fifty-seven Pounds, to defray the Charge of divers Naval Miscellaneous Services, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six;

729,640*l.* for Naval Half Pay; and any Sum or Sums of Money not exceeding Seven hundred twenty-nine thousand six hundred and forty Pounds, to defray the Charge of Half Pay to Officers of the Navy and of the Royal Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six;

489,549*l.* for Military Pensions; and any Sum or Sums of Money not exceeding Four hundred eighty-nine thousand five hundred and forty-nine Pounds, to defray the Charge of Military Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six;

158,487*l.* for Civil Pensions; and any Sum or Sums of Money not exceeding One hundred fifty-eight thousand four hundred and eighty-seven Pounds, to defray the Charge of Civil Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six;

131,405*l.* to defray the Charge of Transports, &c.; and any Sum or Sums of Money not exceeding One hundred thirty-one thousand four hundred and five Pounds, to defray the Charge of Transports on monthly Pay, for the Victualling and Conveyance of Troops, and for the Freight of Stores on account of the Army and Ordnance Departments, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six;

91,673*l.* to defray the Charge of Convicts, Home Department; and any Sum or Sums of Money not exceeding Ninety-one thousand six hundred and seventy-three Pounds, to defray the Charge of Convicts, on account of the Home Department, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six;

544,774*l.* for Mail Packet Service; and any Sum or Sums of Money not exceeding Five hundred forty-four thousand seven hundred and seventy-four Pounds, to defray the Charge of the Packet Service for the Conveyance of Mails, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six;

7,528*l.* for retired Allowance to 300 Naval Captains. and any Sum or Sums of Money not exceeding Seven thousand five hundred and twenty-eight Pounds, to provide for Sums that may come in course of Payment in the Half Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-six, on account of the retired Allowance to Three hundred Captains in Her Majesty's Navy, commencing on the First Day of *October* One thousand eight hundred and forty-five.

There shall be applied 6,534,699*l.* for Army Services; viz.

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six millions five hundred thirty-four thousand six hundred and ninety-nine Pounds, for and towards

towards the Army Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Three millions four hundred thirty thousand four hundred and ninety-nine Pounds, for defraying the Charge of Her Majesty's Land Forces, for Service in the United Kingdom of *Great Britain* and *Ireland*, and on Stations abroad (excepting the Regiments employed in the Territorial Possessions of the *East India* Company), from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred fifty-five thousand and ninety-nine Pounds, for defraying the Charge of General Staff Officers and Officers of the Hospitals, serving with Her Majesty's Forces in the United Kingdom of *Great Britain* and *Ireland*, and on Foreign Stations (excepting *India*), and of Her Majesty's Garrison of the Tower of *London*, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding Eighty-nine thousand four hundred and twelve Pounds, for defraying the Charge of the Allowances of the Principal Officers of the several Public Military Departments in *Great Britain*, their Deputies, Clerks, and contingent Expences, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding Thirteen thousand two hundred Pounds, for defraying the Charge of the Royal Military Asylum, and of the *Hibernian* Military School, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding Eighty-six thousand one hundred and sixty-eight Pounds, for defraying the Charge of Volunteer Corps, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding Fifty-six thousand five hundred and ninety-three Pounds, for defraying Expences incurred for unprovided Services of former Years; and any Sum or Sums of Money not exceeding Fourteen thousand one hundred and forty-eight Pounds, for defraying the Charge of Allowances as Rewards for distinguished Services, and of Allowances to Officers of Her Majesty's Garrisons, holding their Appointments as Rewards for Military Services, in the United Kingdom of *Great Britain* and *Ireland*, and on Foreign Stations, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding Seventy-three thousand Pounds, for defraying the Charge of the Pay of General Officers in Her Majesty's Forces, not being Colonels of Regiments, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding Sixty-two thousand Pounds, for defraying the Charge of Full Pay for Reduced

3,430,499*l.* for Forces in U.K. and Stations abroad (except the *East Indies*).

155,099*l.* for General Staff Officers, &c.;

89,412*l.* for Allowances to Officers, &c. of Public Military Departments.

13,200*l.* for Royal Military Asylum, &c.;

86,168*l.* for Volunteer Corps;

56,593*l.* for Services of former Years;

14,148*l.* for Rewards for distinguished Military Services;

73,000*l.* for certain General Officers;

62,000*l.* for Full Pay for Retired Officers;

Reduced and Retired Officers of Her Majesty's Forces, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding Four hundred and forty-one thousand Pounds, for defraying the Charge of Half Pay and Military Allowances to Reduced and Retired Officers of Her Majesty's Land Forces, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding Fifty-two thousand two hundred and fifty-two Pounds, for defraying the Charge for Half Pay and Reduced Allowances to Officers of Disbanded Foreign Corps, of Pensions to Wounded Foreign Officers, and of Allowances to the Widows and Children of deceased Foreign Officers, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred forty-one thousand eight hundred and forty-eight Pounds, for defraying the Charge of Pensions to be paid to Widows of Officers of the Land Forces, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred and five thousand Pounds, for defraying the Charge of Allowances on the Compassionate List, of Allowances as of Her Majesty's Royal Bounty, and Pensions, Gratuities, and Allowances to Officers for Wounds, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding One million two hundred twenty thousand five hundred and fifty-three Pounds, for defraying the Charge of *Chelsea* and *Kilmainham* Hospitals, of the In-Pensioners of those Establishments, of the Out-Pensioners of *Chelsea* Hospital, of Pensions granted to discharged Negro Soldiers, and of Pensioners from *Hanoverian* Corps which served with the *British* Army in One thousand seven hundred and ninety-three, One thousand seven hundred and ninety-four, and One thousand seven hundred and ninety-five, and of the Military Organization of Out-Pensioners in the United Kingdom, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding Thirty-eight thousand five hundred Pounds, for defraying the Charge of Allowances, Compensations, and Emoluments, in the Nature of Superannuation or Retired Allowances, to Persons formerly belonging to the several Military Public Departments in the United Kingdom of *Great Britain* and *Ireland*, from the First Day of *April* One thousand eight hundred and forty-five to the Thirty-first Day of *March* One thousand eight hundred and forty-six, both Days inclusive; and any Sum or Sums of Money not exceeding Three hundred sixty-one thousand eight hundred and five Pounds, to defray the Charge of the Commissariat Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any

441,000*l.* for Half Pay for Retired Officers;

52,252*l.* for Half Pay, &c. to Officers of disbanded Foreign Corps, &c.;

141,848*l.* for Pensions to Widows;

105,000*l.* for Compassionate List, &c.;

1,220,553*l.* for *Chelsea* and *Kilmainham* Hospitals, &c.;

38,500*l.* for Superannuations in Military Public Departments;

361,805*l.* for Commissariat Department;

any Sum or Sums of Money not exceeding Forty-seven thousand three hundred and twenty-eight Pounds, to defray the Charge of Half Pay, Pensions, and Allowances in the Commissariat Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One hundred forty-six thousand two hundred and ninety-four Pounds, to defray the Charge of the Disembodied Militia of *Great Britain* and *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six.

47,328*l.* for Half Pay of Commissariat Department;

146,294*l.* for Disembodied Militia.

XIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two millions one hundred forty-two thousand one hundred and twenty-two Pounds, for and towards the Ordnance Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Four hundred ninety-nine thousand nine hundred and twenty-four Pounds, for defraying the Pay, Allowances, and Contingencies of Ordnance Military Corps, for the Year One thousand eight hundred and forty-five—forty-six; and any Sum or Sums of Money not exceeding Two hundred ninety-nine thousand three hundred and thirty-three Pounds, for defraying the Expence of the Commissariat and Barrack Supplies for Her Majesty's Forces, and Great Coats for the Army, for the Year One thousand eight hundred and forty-five—forty-six; and any Sum or Sums of Money not exceeding Eighty-nine thousand one hundred and seventy-eight Pounds, for defraying the Salaries and Contingencies of the Ordnance Offices at the *Tower* and *Pall Mall*, for the Year One thousand eight hundred and forty-five—forty-six; and any Sum or Sums of Money not exceeding Two hundred and eight thousand five hundred and seventy-three Pounds, for defraying the Salaries and Contingencies of the Ordnance and Barrack Establishments in the United Kingdom and Colonies, for the Year One thousand eight hundred and forty-five—forty-six; and any Sum or Sums of Money not exceeding One hundred seventeen thousand five hundred and fifty Pounds, for defraying the Wages of Artificers and Labourers employed in the Ordnance Department in the United Kingdom and Colonies, for the Year One thousand eight hundred and forty-five—forty-six; and any Sum or Sums of Money not exceeding Two hundred thirteen thousand two hundred and forty-six Pounds, for defraying the Expence of Ordnance Stores for Land and Sea Service, for the Year One thousand eight hundred and forty-five—forty-six; and any Sum or Sums of Money not exceeding Four hundred eighty-eight thousand four hundred and eighty-three Pounds, for defraying the Expence of Ordnance and Barrack Works, Repairs, and Improvements, in the United Kingdom and Colonies, for the Year One thousand eight hundred and forty-five—forty-six; and any Sum or Sums of Money not exceeding Sixty-two thousand seven hundred and fifty-three Pounds, for defraying the Expence of the Scientific Branch of the Ordnance Department, for the Year One thousand eight hundred and forty five—forty-six; and any Sum or Sums of Money not exceeding One hundred sixty-three thousand and eighty-two Pounds, for defraying the Expence of the Non-effective

There shall be issued 2,142,122*l.* for Ordnance Services; viz.

499,924*l.* for Ordnance Military Corps;

299,333*l.* for Commissariat and Barrack Supplies, &c.;

89,178*l.* for Ordnance Offices at the *Tower* and *Pall Mall*;

208,573*l.* for Ordnance and Barrack Establishments;

117,550*l.* for Wages of Artificers, &c. in the Ordnance Department;

213,246*l.* for Ordnance Stores for Land and Sea Service;

488,483*l.* for Ordnance and Barrack Works, &c.;

62,753*l.* for Scientific Branch of Ordnance Department;

163,082*l.* for Non-effective Ordnance Services.

Ordnance Services, Military and Civil, for the Year One thousand eight hundred and forty-five—forty-six.

There shall be issued 18,404,500*l.* to pay off Exchequer Bills charged on the Aids of 1845;

500,000*l.* to discharge Supplies granted for 1844, &c.

XIV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eighteen millions four hundred and four thousand five hundred Pounds, to pay off and discharge Exchequer Bills charged on the Aids of One thousand eight hundred and forty-five unprovided for; and any Sum or Sums of Money not exceeding Five hundred thousand Pounds, to discharge the like Amount of Supplies granted for the Service of the Year One thousand eight hundred and forty-four, or for any preceding Year.

There shall be issued 100,000*l.* for Civil Contingencies;

112,217*l.* for Repairs of Public Buildings, Furniture of Public Offices, &c.;

6,500*l.* for a Palm House in the Royal Botanic Garden at Kew;

8,395*l.* for providing Accommodation for Houses of Parliament;

85,000*l.* for New Houses of Parliament;

14,000*l.* for rebuilding the Home Office, &c.;

3,836*l.* for *Holyhead* Harbour, &c.;

50,000*l.* for *Caledonian* Canal;

24,661*l.* for Public Buildings, *Ireland*;

XV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred thousand Pounds, to defray the Charge of Civil Contingencies, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One hundred twelve thousand two hundred and seventeen Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-six, the Expence of Works and Repairs of Public Buildings, for Furniture, *&c.*, for various Public Departments, and for certain Charges for lighting and watching, and for Rates and Taxes, also for the Maintenance and Repairs of Royal Palaces and Works in the Royal Gardens, formerly charged upon the Civil List; and any Sum or Sums of Money not exceeding Six thousand five hundred Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-six, the Expence of erecting the centre Compartment of a Palm House in the Royal Botanic Garden at *Kew*; and any Sum or Sums of Money not exceeding Eight thousand three hundred and ninety-five Pounds, to defray the Expence of providing temporary Accommodation for the Houses of Parliament, Committee Rooms, Offices, and temporary Official Residences for the Speaker of the House of Commons and other Officers of that House, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Eighty-five thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-six, the Expence of the Works at the New Houses of Parliament; and any Sum or Sums of Money not exceeding Fourteen thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-six, the Expence of taking down and rebuilding the Home Office, and for altering and enlarging the Board of Trade and Council Office; and any Sum or Sums of Money not exceeding Three thousand eight hundred and thirty-six Pounds, for the Services of the *Holyhead* Harbour, and *Shrewsbury* and *Holyhead* Roads, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, on account of the Works carrying on at the *Caledonian* Canal; and any Sum or Sums of Money not exceeding Twenty-four thousand six

six hundred and sixty-one Pounds, to defray the Expence of maintaining and repairing the several Public Buildings in the Department of the Commissioners of Public Works in *Ireland*, also the Expence of Inland Navigation and other Services, under the Direction of the said Commissioners, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Nine thousand Pounds, to defray the Expence of Works and Repairs at the Harbour of *Kingstown*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One hundred and fifty thousand Pounds, to defray, in the Year One thousand eight hundred and forty-five, the Expence of constructing Harbours of Refuge and an enlarged Packet Harbour at *Holyhead*; and any Sum or Sums of Money not exceeding One thousand two hundred Pounds, in aid of the Expence of repairing *Saint Margaret*'s Church *Westminster*.

9,000*l.* for *Kingstown* Harbour;

150,000*l.* for constructing Harbours of Refuge and Packet Harbour at *Holyhead*;

1,200*l.* for repairing *St. Margaret*'s Church, *Westminster*.

XVI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirty-nine thousand three hundred and fifty Pounds, to pay the Salaries and Expences of the Two Houses of Parliament, and Allowances to Retired Officers of the Two Houses, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Fifty-five thousand nine hundred Pounds, to pay the Salaries and Expences of the Department of Her Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Seventeen thousand four hundred and fifty Pounds, to pay the Salaries and Expences of the Office of Her Majesty's Secretary of State for the Home Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Seventy-four thousand Pounds, to pay the Salaries and Expences in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Queen's Messengers and extra Couriers attached to that Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Twenty-one thousand Pounds, to pay the Salaries and Expences in the Department of Her Majesty's Secretary of State for the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Thirty-nine thousand Pounds, to pay the Salaries and Expences in the Departments of Her Majesty's most Honourable Privy Council, and the Committee of Privy Council for Trade, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Two thousand Pounds, to pay the Salary of the Lord Privy Seal, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Thirty-four thousand and fifty-six Pounds, to defray the Charge of the Office of Her Majesty's Paymaster General, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Fifteen thousand nine hundred and nineteen Pounds, to pay the Salaries and Expences in the Departments of the Comptroller General of

There shall be issued 39,350*l.* for both Houses of Parliament;

55,900*l.* for Salaries, &c. at the Treasury;

17,450*l.* for the Home Department;

74,000*l.* for Salaries, &c. in the Foreign Department;

21,000*l.* for the Colonial Department;

39,000*l.* for Salaries, &c. at the Privy Council, &c.;

2,000*l.* for Lord Privy Seal;

34,056*l.* for Office of Paymaster General;

15,919*l.* for Comptroller General of Exchequer, &c.;

of the Exchequer, the Paymasters of Exchequer Bills, and the Paymaster of Civil Services, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Two thousand six hundred and thirty Pounds, to pay the Salaries and Expences of the State Paper Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Three thousand two hundred and forty Pounds, towards the Expence of the Ecclesiastical Commissioners for *England*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Fifty-two thousand seven hundred and seventy Pounds, to pay the Salaries and Expences of the Commissioners for carrying into execution the Acts for the Amendment of the Laws relating to the Poor in *England* and *Wales*, and for the Relief of the Destitute Poor in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Fifty-two thousand three hundred and eighty-three Pounds, to defray the Expenditure of the Mint, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Thirteen thousand four hundred Pounds, to pay the Salaries of Persons employed in the Care and Arrangement of the Public Records and Expences connected therewith, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Two thousand six hundred and twelve Pounds, to pay the Salaries and Expences of the Jewel Office, in the Tower of *London*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Ten thousand nine hundred and sixty-seven Pounds, to pay the Salaries and Expences of the Inspectors and Sub-Inspectors of Factories, Mines, *&c.* to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Twenty-two thousand four hundred and seventy-one Pounds, to pay the Salaries and Expences of the Offices of the Chief Secretary to the Lord Lieutenant of *Ireland*, and of Her Majesty's Privy Council Office in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Five thousand and eighteen Pounds, to pay the Salaries in the Office of the Paymaster of Civil Services in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Three thousand one hundred and fifty-seven Pounds, to pay the Salaries and Expences of the Board of Public Works in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Two hundred twenty-one thousand five hundred and eighty-eight Pounds, to defray the Expences of providing Stationery, Printing, and Binding, for the several Departments of Government, and for providing Stationery, Binding, Printing, and Paper for Printing for the Two Houses of Parliament, including the Expence of the Stationery Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Four thousand nine hundred and fifty Pounds, to defray the Charge for Printing, *&c.*, executed by the Queen's Printers in *Ireland*,

2,630*l.* for Stat Paper Office;

3,240*l.* for Ecclesiastical Commissioners for *England*;

52,770*l.* for the Poor Law Commissioners;

52,383*l.* for the Mint;

13,400*l.* for Public Records;

2,612*l.* for Salaries, &c. of the Jewel Office, Tower of *London*;

10,967*l.* for Salaries, &c. of Inspectors of Factories, &c.

22,471*l.* for Offices of Chief Secretary to Lord Lieutenant, &c. *Ireland*;

5,018*l.* for Paymaster of Civil Services, *Ireland*;

3,157*l.* for Board of Public Works, *Ireland*;

221,588*l.* for Stationery, &c. for Government Departments;

4,950*l.* for Printing, &c. by Queen's Printer, *Ireland*.

Ireland, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One thousand eight hundred and fifteen Pounds, to pay the Salaries of certain Officers in *Scotland*, and other Charges, formerly paid from the Hereditary Revenues, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Six thousand four hundred and sixty-four Pounds, to pay the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Thirty-nine thousand Pounds, to defray the Charge of Her Majesty's Foreign and other Secret Services, to the Thirty-first Day of *March* One thousand eight hundred and forty-six.

1,815*l.* Salaries of Officers, *Scotland*;

6,464*l.* Household of Lord Lieutenant of *Ireland*;

39,000*l.* for Foreign and Secret Services

XVII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirty-two thousand Pounds, to defray Law Charges, and the Salaries, Allowances, and incidental Expences in the Office of the Solicitor for the Affairs of Her Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Eleven thousand seven hundred and twenty Pounds, to pay Expences connected with the Prosecution of Offenders against the Laws relating to Gold and Silver Coin, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One hundred and thirty thousand Pounds, to defray, in the Year One thousand eight hundred and forty-five, certain Charges formerly paid out of the County Rates; and any Sum or Sums of Money not exceeding Fifteen thousand one hundred Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-six, the Expences incurred by Sheriffs, to make good the Deficiencies of the Fees in the Office of the Queen's Remembrancer in the Exchequer, to pay the Salaries and ancient Allowances of certain Officers of the Court of Exchequer, also certain Expences of the Queen's Prison; and any Sum or Sums of Money not exceeding Thirteen thousand three hundred and sixty-eight Pounds, to defray the Salaries of the Commissioners of the Insolvent Debtors Court, of their Clerks, and the contingent Expences of the Court and Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-six, also the Expences attendant upon the Circuit; and any Sum or Sums of Money not exceeding Eighteen thousand three hundred and sixty-one Pounds, to defray the Expences of the Prison for Juvenile Offenders in the *Isle of Wight*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Sixteen thousand two hundred and eighteen Pounds, to defray the Expences of the *Pentonville* Prison, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Twenty-eight thousand one hundred and eighteen Pounds, to defray the Expences of the *Milbank* Prison, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Four thousand and

There shall be issued 32,000*l.* for Law Charges, &c.;

11,720*l.* for Prosecutions under Laws relating to Coin;

130,000*l.* for Charges formerly paid out of County Rates;

15,100*l.* for Expences of Sheriffs, Salaries of Officers of the Exchequer, &c.;

13,368*l.* for Salaries, &c. of Officers of Insolvent Debtors Court;

18,361*l.* *Parkhurst* Prison;

16,218*l.* for *Pentonville* Prison;

28,118*l.* for *Milbank* Prison;

4,025*l.* for Criminal Lunatics;

twenty-five Pounds, to defray the Expences of confining and maintaining Criminal Lunatics in *Bethlem* Hospital, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Eight thousand one hundred and seventy-two Pounds, to pay the Salaries and Expences of the Inspectors of Prisons, and of the Prison Board in *Scotland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Sixty-seven thousand eight hundred and ten Pounds, to defray Law Expences in *Scotland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Sixty-nine thousand one hundred and nine Pounds, to defray the Expence of Criminal Prosecutions and other Law Charges in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Thirty-three thousand Pounds, towards defraying the Charge of the Metropolitan Police of *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Seven thousand two hundred and sixty-seven Pounds, to defray the Expence of the Convict Depôt in *Dublin*, and the Constabulary Barrack in the *Phœnix Park*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Six thousand Pounds, towards defraying the Expence of erecting a Prison for Criminal Lunatics in *Dublin*; and any Sum or Sums of Money not exceeding Sixty-two thousand three hundred and fifty Pounds, to defray the Expences of the Convict Hulk Establishment at home, at *Bermuda*, and at *Gibraltar*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Two hundred and fifty thousand Pounds, to defray the Charge of the Maintenance, Custody, Superintendence, and Management of Convicts at *New South Wales* and *Van Diemen's Land*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six.

8,172*l.* Inspectors of Prisons;

67,810*l.* for Law Expences, *Scotland*;

69,109*l.* for Law Expences, *Ireland*;

33,000*l.* for the Police of *Dublin*;

7,267*l.* for Convict Depôt in *Dublin*, &c.;

6,000*l.* for a Prison for Criminal Lunatics, *Dublin*;

62,350*l.* for Convicts at home, &c.;

250,000*l.* for Convicts at *New South Wales*, &c.

There shall be issued 2,006*l.* for certain Professors *Oxford* and *Cambridge*;

4,540*l.* for *London* University;

300*l.* for Royal *Irish* Academy;

300*l.* for Royal *Hibernian* Academy;

5,910*l.* for Royal *Dublin* Society;

XVIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two thousand and six Pounds, to pay the Salaries and Allowances granted to certain Professors in the Universities of *Oxford* and *Cambridge*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Four thousand five hundred and forty Pounds, to defray the Expences of the University of *London*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expence of the Royal *Irish* Academy, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expence of the Royal *Hibernian* Academy, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Five thousand nine hundred and ten Pounds, towards defraying the Expence of the Royal *Dublin* Society, to the Thirty-first Day of *March* One thousand eight hundred and forty-six;

six; and any Sum or Sums of Money not exceeding Fifty-two thousand and twenty Pounds, to defray the Expences of new Buildings and Fittings at the *British Museum*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Six thousand two hundred and seventeen Pounds, to enable the Trustees of the *British Museum* to purchase certain Collections, and to defray Expences incurred in procuring Antiquities for the Museum; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Expences of the National Gallery, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Eight thousand eight hundred and fifty Pounds, to defray the Expences of the Geological Survey of *Great Britain* and *Ireland*, and the Museum of Economic Geology in *London* and *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Five thousand eight hundred and thirty-nine Pounds, to defray the Expence of Magnetic Observatories at *Toronto*, *Saint Helena*, the *Cape of Good Hope*, and *Van Diemen's Land*, also for Observations and Services carrying on under the Direction of the Astronomer Royal, and other scientific Works and Publications, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray, in the Year One thousand eight hundred and forty-five, the Cost of the Monuments to be erected to the Memory of Sir *Sydney Smith*, Lord *Exmouth*, and Lord *De Saumarez*; and any Sum or Sums of Money not exceeding Four thousand eight hundred and seventy-five Pounds, to enable the Trustees of the *British Museum* to purchase, in the Year One thousand eight hundred and forty-five, certain Collections for that Museum; and any Sum or Sums of Money not exceeding Two thousand Pounds, towards defraying, in the Year One thousand eight hundred and forty-five, the Expence of Statues of *Hampden*, Lord *Falkland*, and Lord *Clarendon*; and any Sum or Sums of Money not exceeding Seventy-five thousand Pounds, for Public Education in *Great Britain*, in the Year One thousand eight hundred and forty-five; and any Sum or Sums of Money not exceeding Seventy-five thousand Pounds, to enable the Lord Lieutenant of *Ireland* to issue Money for the Advancement of Education in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Four thousand nine hundred and eleven Pounds, to defray the Expence of the School of Design, and for Aid to Provincial Schools, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Seven thousand three hundred and eighty Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-six, Grants to *Scottish* Universities, formerly defrayed from the Hereditary Revenues of the Crown; and any Sum or Sums of Money not exceeding Two thousand one hundred Pounds, towards defraying the Expence of the Royal *Belfast* Academical Institution, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Forty-two thousand and forty Pounds, to defray the Charge

52,020*l.* for Buildings at *British Museum*;

6,217*l.* for purchasing Collections for same:

1,500*l.* for National Gallery;

8,850*l.* for Geological Survey, &c.;

5,839*l.* for Observatories at *Toronto*, &c.

1,500*l.* for Monuments of Sir *Sydney Smith*, &c.;

4,875*l.* for purchasing Collections for the *British Museum*;

2,000*l.* for Statues of *Hampden*, &c.;

75,000*l.* for Public Education;

75,000*l.* for Education, *Ireland*;

4,911*l.* School of Design;

7,380*l.* for Grants to *Scottish* Universities;

2,100*l.* *Belfast* Academical Institution;

42,040*l.* for *British Museum*.

of

of the *British Museum*, for the Year ending on the Twenty-fifth Day of *March* One thousand eight hundred and forty-six.

There shall be issued 3,410*l.* for Civil Establishment of the *Bahama Islands*, &c.;

4,049*l.* for ditto of the *Bermudas*;

3,070*l.* for ditto of *Prince Edward's Island*;

400*l.* for *Sable Island*, &c.;

13,680*l.* for Civil Establishments on the Western Coast of *Africa*;

12,000*l.* for *St. Helena*;

7,219*l.* for *Western Australia*;

3,171*l.* for *South Australia*;

5,829*l.* for *Port Essington*;

7,486*l.* for the *Falkland Islands*;

1,023*l.* for *Heligoland*;

18,394*l.* for *West India* Colonies;

11,353*l.* for *British North American* Provinces, &c.;

XIX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three thousand four hundred and ten Pounds, to defray the Charge of the Civil Establishment of the *Bahama Islands*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six, and of the Lighthouses there; and any Sum or Sums of Money not exceeding Four thousand and forty-nine Pounds, to defray the Charge of the Civil Establishment of the *Bermudas*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Three thousand and seventy Pounds, to defray the Charge of the Civil Establishment of *Prince Edward's Island*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Four hundred Pounds, to defray the Expence of the Establishment at *Sable Island*, for the Relief of shipwrecked Persons, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Thirteen thousand six hundred and eighty Pounds, to defray the Charge of the Civil Establishments on the Western Coast of *Africa* to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, to defray the Charge of the Civil Establishment of *Saint Helena*, and of Pensions and Allowances to the Civil and Military Officers of the *East India* Company's late Establishment in that Island, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Seven thousand two hundred and nineteen Pounds, to defray the Expence of the Settlement of *Western Australia*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Three thousand one hundred and seventy-one Pounds, to defray Expences incurred at *South Australia*; and any Sum or Sums of Money not exceeding Five thousand eight hundred and twenty-nine Pounds, in aid of the Charge of the Settlement at *Port Essington*; and any Sum or Sums of Money not exceeding Seven thousand four hundred and eighty-six Pounds, to defray the Charge of the Government of the *Falkland Islands*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One thousand and twenty-three Pounds, to defray the Charge of the Civil Establishment of *Heligoland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Eighteen thousand three hundred and ninety-four Pounds, to defray the Charge of the Salaries of the Governors and Lieutenant Governors, and others, in the *West India* Colonies, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Eleven thousand three hundred and fifty-three Pounds, to defray the Expence of the Ecclesiastical Establishment of the *British North American* Provinces, to the Thirty-first Day of *March* One thou-

sand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Eighteen thousand eight hundred and ninety-five Pounds, to defray the Charge of the *Indian* Department in *Canada*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Ten thousand four hundred and ninety-five Pounds, to defray the Charge of the Colonial Land and Emigration Board, and other Expences connected with Emigration, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Forty-eight thousand eight hundred Pounds, to defray the Charge of the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the *West India* Colonies, the *Cape of Good Hope*, and the *Mauritius*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Six thousand Pounds, to defray such Expences as Her Majesty may incur, in the Year One thousand eight hundred and forty-five, in aiding the local Legislatures in providing for the religious and moral Instruction of the emancipated Negro Population; and any Sum or Sums of Money not exceeding Thirty-five thousand Pounds, to defray Expences incurred for the Support of captured Negroes and liberated *Africans*, under the Acts for the Abolition of the Slave Trade, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Twenty-four thousand Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-six, the Salaries and incidental Expences of the Commissions established on the Part of Her Majesty under the Treaties with Foreign Powers for suppressing the Traffic in Slaves; and any Sum or Sums of Money not exceeding One hundred ten thousand seven hundred and fifty Pounds, to defray the Charge of the Consular Establishment abroad, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Eighty thousand Pounds, to defray the Charge of the *British* Establishment at *Hong Kong*, and of the Consular Establishments at the Five Ports open to *British* Trade in *China*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Eighteen thousand Pounds, to defray extraordinary Expences incurred by Her Majesty's Ministers at Foreign Courts, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Twenty-two thousand five hundred and sixty-five Pounds, to defray, in the Year One thousand eight hundred and forty-five, the Charge of the Colony of *New Zealand*.

18,895*l.* for *Indian* Department in *Canada*;

10,495*l.* for Colonial Land and Emigration Board;

48,800*l.* for Salaries, &c. of Justices in *West Indies*, &c.;

6,000*l.* Education of emancipated Negro Population;

35,000*l.* Support of captured Negroes, &c.;

24,000*l.* for Commissions for suppressing the Slave Trade;

110,750*l.* for Consular Establishment;

80,000*l.* for *British* Settlement at *Hong Kong*, &c.;

18,000*l.* for Ministers at Foreign Courts.

22,565*l.* for *New Zealand*.

XX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eighty thousand three hundred Pounds, to defray the Charge of Superannuation Allowances and Compensations to Persons formerly employed in the Public Offices or Departments, or in the Public Service, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Five thousand seven hundred

There shall be issued 80,300*l.* for Retired Allowances to Public Officers;

5,700*l.* for *Toulonese* and *Corsican* Emigrants, &c.;

hundred Pounds, to enable Her Majesty to grant Relief, to the Thirty-first Day of *March* One thousand eight hundred and forty-six, to *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers Widows, *Saint Domingo* Sufferers, *American* Loyalists, and others who have heretofore received Allowances from Her Majesty; and any Sum or Sums of Money not exceeding One thousand eight hundred and fifty Pounds, to defray the Expence of the National Vaccine Institution, for the Year One thousand eight hundred and forty-five; and any Sum or Sums of Money not exceeding Three thousand Pounds, towards the Support of the Refuge for the Destitute, for the Year One thousand eight hundred and forty-five; and any Sum or Sums of Money not exceeding Eleven thousand eight hundred Pounds, for Payment of the Subsistence of the *Polish* Refugees, and Allowances to distressed *Spaniards*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Four thousand nine hundred and thirty-two Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-six, sundry Allowances formerly defrayed from the Civil List, the Hereditary Revenue, *&c.*, for which no permanent Provision has been made by Parliament; and any Sum or Sums of Money not exceeding Two thousand one hundred and forty-six Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-six, Charities, Bounties, and other Charges in *Scotland*, formerly defrayed from the Hereditary Revenue; and any Sum or Sums of Money not exceeding Thirteen thousand and twenty-nine Pounds, to defray the Expence of the House of Industry, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One thousand Pounds, towards defraying the Expence of the Female Orphan House, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray the Expence of the *Westmoreland* Lock Hospital, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One thousand Pounds, towards defraying the Expence of the Lying-in Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, towards defraying the Expence of Doctor *Stevens'* Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Three thousand five hundred Pounds, towards defraying the Expence of the House of Recovery and Fever Hospital, *Cork Street*, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expence of the Hospital for Incurables, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Thirty-five thousand six hundred and thirty Pounds, to defray the Expence of Nonconforming, Seceding, and Protestant Dissenting Ministers in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Seven thousand three hundred and forty Pounds, to pay, to the Thirty-first Day of *March* One

1,850*l.* for National Vaccine Institution;

3,000*l.* Refuge for Destitute;

11,800*l.* for *Polish* Refugees, &c.;

4,932*l.* to pay Allowances formerly paid from Civil List, &c.;

2,146*l.* for Charities, &c. *Scotland*;

13,029*l.* for House of Industry, *Dublin*;

1,000*l.* for Female Orphan House;

2,500*l.* for *Westmoreland* Lock Hospital;

1,000*l.* for Lying-in Hospital, *Dublin*;

1,500*l.* for Dr. *Stevens'* Hospital;

3,500*l.* for Fever Hospital, &c. *Dublin*;

500*l.* Hospital for Incurables;

35,630*l.* for Protestant Dissenting Ministers, *Ireland*;

7,340*l.* for Charitable Allowances, *Ireland*;

One thousand eight hundred and forty-six, charitable Allowances charged on the Concordatum Fund, and other Allowances and Bounties in *Ireland*.

There shall be issued 1,500*l.* for Health of Towns Commission;

3,400*l.* for Criminal Law Commission

6,000*l.* Survey of *Ireland*

2,597*l.* Improvement of the *Shannon*

782*l.* *British* Ambassador's House at *Paris*

13,000*l.* ditto at *Constantinople*

50,000*l.* for Steam to *India*

16,600*l.* for Militia, *Canada*

XXI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Expence of the Health of Towns Inquiry Commission to its final Close; and any Sum or Sums of Money not exceeding Three thousand four hundred Pounds, to defray, for One Year, the Expences of the Commission for digesting the several Statutes relating to the Criminal Law; and any Sum or Sums of Money not exceeding Six thousand Pounds, to defray the Expence of the Townland Survey of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Two thousand five hundred and ninety-seven Pounds, to defray the Salaries and Expences of the Commissioners for the Improvement of the River *Shannon*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Seven hundred and eighty-two Pounds, to defray the Expence of Works and Repairs at the *British* Ambassador's House in *Paris*; and any Sum or Sums of Money not exceeding Thirteen thousand Pounds, towards defraying the Expence of rebuilding the *British* Ambassador's House at *Constantinople*; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, towards defraying the Expence of Steam Communication to *India* by way of the *Red Sea*, to the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Sixteen thousand six hundred Pounds, to defray the Expence incurred in *Canada* for Militia and Volunteers, to the Thirty-first Day of *March* One thousand eight hundred and forty-six.

Supplies to be applied only for the Purposes aforesaid.

XXII. And it is hereby also enacted, That the said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever other than the Uses, Intents, and Purposes before mentioned, or for the other Payments directed to be satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts, of this Session of Parliament.

Rules to be observed in the Application of the Sum appropriated to Half Pay.

XXIII. And as to the Sum of Four hundred and forty-one thousand Pounds by this Act appropriated on account of Half Pay as aforesaid, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have

or

or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a Reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary at War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay, or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary at War as aforesaid, to issue, on or before the Twenty-fourth Day of *December* One thousand eight hundred and forty-five, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary at War; but no Person who after the Twenty-

Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Master General and the Board of Ordnance, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia or the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers in *Great Britain* or *Ireland*, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of *January* One thousand eight hundred and forty-six it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officers appointed to Civil Office or Employment under Her Majesty, or under any other Government, since the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, or any Three or more of them, through the Secretary at War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year, on or before the First Day of *April* if Parliament shall be then sitting, or, if Parliament shall not then be sitting, on the First Day of the Sitting of Parliament after the First Day of *April*, of the Number of Officers who are allowed to receive their Half Pay with Civil Employments, specifying the Names of such Officers, with the respective Amounts of their Half Pay and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since *July* 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.

XXIV. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury or any Three or more of them for the Time being, to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere, in Civil Situations of Responsibility, with small Emoluments, will be conducive to Economy, and thereby beneficial to the Public Service; and in every

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required, indemnified. 7&8 Vict. c. 104.

XXV. And whereas a considerable Part of the Money appropriated on account of Half Pay by an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year One thousand eight hundred and forty-four, and to appropriate the Supplies granted in this Session of Parliament*, has been issued without requiring, by Persons issuing or paying, and without the taking by the Persons receiving Half Pay, the Oaths or Declarations prescribed to be taken by Officers claiming Half Pay; and Part of the said Monies has been paid to Officers claiming or entitled to Half Pay who at the same Time held and may still hold the Situation of and serve respectively as Surgeons, Serjeant Majors, Serjeants, Corporals, or Privates in the General or Local Militia, or Yeomanry or Volunteer Corps, in *Great Britain* or *Ireland*, and it is expedient that all such Persons should be indemnified; be it therefore enacted, That all Persons concerned in the advising, authorizing, or directing the issuing, or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in receiving or being concerned in the receiving any Portion of the Money so appropriated for such Half Pay, without requiring or taking the said Oaths or Declarations, or to or on account of any such Officers or Persons as aforesaid, shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, Prosecutions, or Proceedings, in respect of any thing done in relation thereto, in all Cases in which such Half Pay or Payment for or in respect of such Half Pay shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Usages heretofore established or observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths or Declarations; and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person as aforesaid shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned in the issuing and paying the same, shall be and are hereby fully indemnified, and shall be and are hereby fully discharged and exonerated in respect thereof, in all Accounts relating to such Issues and Payments; any thing in any Act or Acts, or any Laws, Rules, or Regulations relating to the issuing and paying of Half Pay, to the contrary notwithstanding.

Half Pay allowed to the Officers of the *Manx* Fencibles.

XXVI. And whereas the Royal Regiment of *Manx* Fencibles engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised, that they should be allowed to receive any Half Pay to which they might be entitled notwithstanding their holding Subaltern Commissions in the said Corps; but no Provision has been made by Parliament for Payment of such Half Pay, and it is therefore expedient that Provision should

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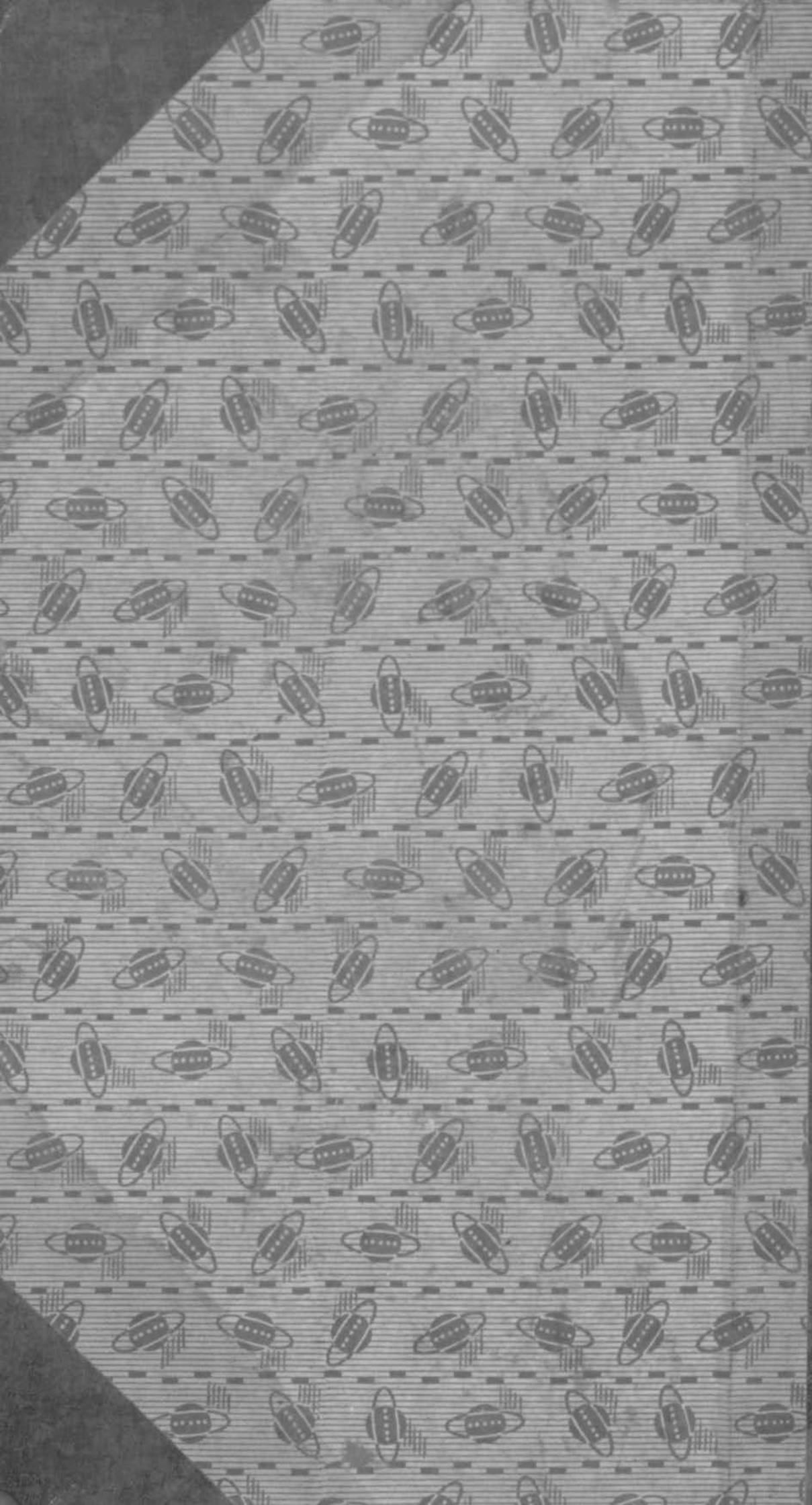
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